



# 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*

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Tuesday, April 4, 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)

[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 Tara Barno.]

### 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 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.

[9 Present: Cox, Chesley, Derkevorkian (joined at 11:45 am), Elam (via Zoom), Hibbert, Ribbens, Tupper, Johnson]

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

*[9 Present: Cox, Chesley, Derkevorkian, Elam (joined in person 12:46 pm), Hibbert, Ribbens, Tupper, Johnson]*

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

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

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

*[9 Present: Cox, Chesley, Derkevorkian, 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.

[KPB-5025](#) March 14, 2023 Regular Assembly Meeting Minutes approved.

[KPB-5026](#) A Resolution Commending the Soldotna High School Hockey Team as the Alaska School Activities Association Small-Schools State Champions for the Year 2023 (Cox)  
**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:

[2022-19-50](#) An Ordinance Accepting and Appropriating the Safe Streets and Roads for All Assistance Grant and the Required Match Funds Through the U.S. Department of Transportation (Mayor) (Hearing on 04/04/23)  
*[Clerk's Note: The third Whereas clause in Ordinance 2022-19-50 was amended to read, "the Borough was the lead applicant, with the City of Homer, City of Kenai, City of Seldovia, City of Seward, and the City of **Soldotna [Seldovia]** ("the Cities") as co-applicants; and" and Section 4 was amended to read, "The*

*amount of **\$59,214.00** [~~\$59,2147.00~~] in in-kind match provided by the Cities be appropriated to account 271.21110.23SSR.49999 as match funds."*

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

[2022-19-51](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of Up to \$43,350 to the Kenai Peninsula Borough to Develop a Drainage Plan for Gravel Pit Clean Discharge in the Big Eddy Area (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was enacted.**

[2022-19-52](#) An Ordinance Accepting and Appropriating Federal Pass Thru Grant Funds of up to \$29,488 to the Kenai Peninsula Borough for the Donald E. Gilman River Center Rain Garden Project (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was enacted.**

[2022-19-54](#) An Ordinance Appropriating \$213,766.67 from the Central Emergency Services Area's Operating Fund to Support the First Debt Service Payment for the 2023 Series One Central Emergency Service Area Fire Station General Obligation Bonds (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was enacted.**

[2022-19-55](#) An Ordinance Appropriating \$441,666.67 from the General Fund to Support the First Debt Service Payment for the 2023 Series One Educational General Obligation Bonds (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was enacted.**

[2022-19-56](#) An Ordinance Appropriating Funds from the General Fund to Support Required Snow Load Removal and the FY2023 Insurance Premium for the Soldotna Prep Facility (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was enacted.**

[2022-19-57](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund and the South Kenai Peninsula Hospital Service Area Fund for Improvements to the Long-Term Care and Rehabilitation Heating, Ventilation, and Air Conditioning System (Mayor) (Hearing on 04/04/23)

**This Budget Ordinance was enacted.**

New Business

- [2023-029](#) A Resolution Authorizing the Sole Source Purchase of a Chevrolet Work Truck from Chevrolet of South Anchorage for Central Peninsula Landfill (Mayor)  
**This Resolution was adopted.**
- [2023-030](#) A Resolution Approving the Updates of Two Annexes to the Borough Emergency Operations Plan (Mayor)  
**This Resolution was adopted.**
- [2023-031](#) A Resolution Supporting the Construction of a new Performing Arts Center in the Kenai for the Benefit of Children and Youth (Cox, Mayor Micciche)  
**This Resolution was adopted.**
- [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 introduced and set for public hearing.**
- [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 introduced and set for public hearing.**
- [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 introduced and set for public hearing.**
- [2022-19-61](#) An Ordinance Appropriating \$33,100 from the General Fund on Shortened Time for Needed Maintenance on the Fire Suppression System at the Records Center (Mayor, Johnson) (Hearing on Shortened Time 04/04/23)  
**This Budget Ordinance was introduced and set for public hearing.**
- [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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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) (Hearing on 05/02/23)

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

[KPB-4982](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Marijuana Product Manufacturing Facility, Greatland Ganja LLC filed by Leif Abel License No. 32606 Subject to the Standard Conditions as Defined in KPB 7.30.020 (C)

**approved.**

[KPB-4983](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Standard Marijuana Cultivation Facility, Crooked Creek Cultivation filed by Joseph Daniel Utrup License No. 32350 Subject to the Standard Conditions as Defined in KPB 7.30.020 (C)

**approved.**

[KPB-4978](#) Approving the Issuance of a Letter of Non-Objection for the Transfer

of Ownership and Location of the Beverage Dispensary Liquor License No. 1832 filed by Naptowne Brewing LLC dba Naptowne Brewing Company

approved.

[KPB-5012](#) Authorizing the Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Brewpub Liquor License Requested by Naptowne Brewing Company, License No. 6121

approved.

[KPB-5030](#) Forming Section Line Easement Vacation, KPB File 2023-021V, Vacate the entire 33 foot section line easement along the northern lot boundary of Lot 8 Bluff Point Subdivision, Plat HM 83-81 Diamond Ridge Area (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of March 20, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

approved.

#### Approval of the Agenda and Consent Agenda

President Johnson called for public hearing with none being offered.

**The motion to approve the agenda and consent agenda as amended carried by the following vote:**

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

#### COMMENDING RESOLUTIONS AND PROCLAMATIONS

- [KPB-5026](#) A Resolution Commending the Soldotna High School Hockey Team as the Alaska School Activities Association Small-Schools State Champions for the Year 2023 (Cox)

*[Clerk's Note: Vice President Cox presented the Commending Resolution to the coaches and team members of the Soldotna High School Hockey team.]*

- [KPB-5027](#) Mayor's Proclamation Declaring April 2023 as "Safe Digging Month" (Mayor)

*[Clerk's Note: Mayor Micciche presented the Mayor's Proclamation to Andrew Fraiser, Enstar's Southern Division Operations Manager.]*

#### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-5028](#) Kenai Peninsula Peace Crane Garden Trails Annual Project Update, Sarah Pyhala, President (10 minutes)

*[Clerk's Note: Sarah Pyhala, Board President gave a presentation to the assembly.]*

2. [KPB-5029](#) Prince William Sound RCAC, Mako Haggerty, Board Member and Maia Draper-Reich, Outreach Coordinator (10 minutes)

*[Clerk's Note: Mako Haggerty, Board Member (attended in person) and Maia Draper-Reich, Outreach Coordinator (attended via Zoom) gave a presentation to the assembly.]*

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

President Johnson called for public comment.

**Anne Kahn**, addressed the assembly regarding Ordinance 2022-36 and asked that the administration hold off on issuing new permits until the new code was in place.

**Ed Martin, Jr.** addressed the assembly regarding an indictment of the former president and a civil rights action against the Alaska Offices of Children's Services.

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**

[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)

**Hibbert moved to enact Ordinance 2022-19-53.**

President Johnson called for public hearing with none being offered.

**Hibbert moved to postpone Ordinance 2022-19-53 to April 18, 2023.**

**The motion to postpone Ordinance 2022-19-53 to April 18, 2023 carried by the following vote:**

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

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

3. Other

[KPB-5031](#) Forming Seismograph Trails Vacation with associated utility easements, KPB File 2023-020V, Vacate two portions of two seismograph trails granted on Ninilchik Right-of-way map, Plat HM 84-115 Ninilchik area (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of March 20, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

Ecklund moved to approve KPB-5031 Forming the Seismograph Trails Vacation with Associated Utility Easements.

President Johnson called for public hearing.

**Jason Young** spoke in support of KPB-5031.

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

**The motion to approve KPB-5031 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-5034](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses-None
2. Agreements and Contracts
  - a. [KPB-5035](#) Authorization to Award a Contract for ITB23-041 Electronic Signage – Station 3 – Nikiski Fire Service Area
  - b. [KPB-5036](#) Authorization to Award a Contract for RFP23-009 Seward High School Track
  - c. [KPB-5037](#) Authorizing the Purchase of a Carlson GPS System for Central Peninsula Landfill from RDO Integrated Controls through a State of Minnesota Cooperative Purchasing Venture
3. Other
  - a. [KPB-5038](#) Tax Adjustment Request Approval



- b. [KPB-5039](#) Revenue-Expenditure Report – February 2023
- c. [KPB-5040](#) Budget Revisions – February 2023

## **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment.

**Ed Martin, Jr.** continued his comments to the assembly regarding a civil rights action with Alaska's Office of Children's Services.

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

## **ASSEMBLY COMMENTS**

Assembly Member Elam thanked the public for attending and providing testimony. He thanked Mr. Cox for the commending resolution for the Soldotna High School Hockey team champions. Mr. Elam thanked Mayor Micciche for his Mayor's Report and wished everyone a good evening.

Assembly Member Hibbert recapped several meetings he attended. He thanked Mayor Micciche for making himself available for assembly members and wished everyone a good evening.

Assembly Member Tupper stated he was excited to see the Material Site Subcommittee move forward and get excellent work done. He stated he was very encouraged with the amount of participation at the Alaska Coalition on Housing and Homelessness and a local food usage and storage group, stating he was excited to see what becomes of their activities. He wished everyone a good evening.

Assembly Member Ribbens wished Alex White a happy 103rd birthday and shared her achievements over the years.

Assembly Member Chesley recapped his attendance at the Alaska Coalition on Housing and Homelessness meeting. He also shared his recent report he gave to the Homer City Council and various housing efforts that were ongoing at both the borough and city levels.

Assembly Member Ecklund shared that Seward hired a new special education teacher and discussed the housing issues in Seward, stating she too looked forward to the outcomes. She wished everyone a Happy Easter.

Vice President Cox stated he feared that the local housing and homelessness was a

seasonal issue as well. He stated he also attended the transportation meeting, and provided a brief recap of their discussions. Mr. Cox wished everyone a Happy Easter.

President Johnson commended Assembly Member Chesley for all his hard work chairing the Material Site Subcommittee meetings. He also discussed the postponement of Ordinance 2022-46. He wished everyone a Happy Easter.

**INFORMATIONAL MATERIALS AND REPORTS**

**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. April 18, 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. April 18, 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 8:26 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of April 4, 2023.

\_\_\_\_\_  
Michele Turner, CMC, Acting Borough Clerk

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