



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, February 21, 2023

6:00 PM

Betty J. Glick Assembly Chambers

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

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

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

This was approved.

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Loretta Spalding.]

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:

Mike Navarre, Borough Mayor

Max Best, Chief of Staff

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.

Assembly Member Ecklund stated the Lands Committee met and discussed its

agenda items.

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

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

[Clerk's Note: All assembly members were present during the committee meetings listed above.]

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-4934](#) February 7, 2023 Regular Assembly Meeting Minutes
approved.

[KPB-4959](#) LAYDOWN A Resolution Commending the Service of Mike Navarre (Johnson)

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

[2022-19-40](#) An Ordinance Appropriating \$390,000 from the School Maintenance Fund for Snow Removal and Sanding (Mayor) (Hearing on 02/21/23)
This Budget Ordinance was enacted.

[2022-19-41](#) An Ordinance Appropriating \$250,000 from the General Fund for Remediation Work at the Nanwalek Landfill and Removal of Waste from Nanwalek and Port Graham (Mayor) (Hearing on 02/21/23)
This Budget Ordinance was enacted.

[2022-19-42](#) An Ordinance Accepting and Appropriating the Value of Extrication Equipment Received through Alaska Legislative Grant Agreement 23-DC-022 as a Pass-Through from Girdwood Fire Department (Mayor) (Hearing on 02/21/23)
This Budget Ordinance was enacted.

[2023-04](#) An Ordinance Authorizing an Amendment to the Kenai Peninsula

Archers Lease to Provide a 10-Year Extension of the Term and a 10-Year Renewal Option (Mayor) (Hearing on 02/21/23)

This Ordinance was enacted.

[2023-06](#)

An Ordinance Approving an Amendment to Snomads Community Trail Management Agreement (Mayor) (Hearing on 02/21/23)

This Ordinance was enacted.

New Business

[2023-016](#)

A Resolution Authorizing the Mayor to Participate in Additional Opioid Settlements (Mayor)

This Resolution was adopted.

[2023-017](#)

A Resolution Providing Authorization for Sole Source Procurement to Enter into a Three-Year Software Licensing and Services Agreement with Environment Systems Research Institute, Inc. (Mayor)

This Resolution was adopted.

[2023-019](#)

A Resolution Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in which SPH, Inc. is the Sole Lessee and Approving a Third Amendment to the Operating Agreement Regarding Leases for Contract Labor Housing (Mayor)

[Clerk's Note: Assembly Member Chesley declared a conflict and did not participate in the discussion or vote regarding Resolution 2023-019.]

This Resolution was adopted.

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

Abstain: 1 - Chesley

[2023-020](#)

A Resolution Confirming the Appointment of Mako Haggerty to the Prince William Sound Regional Citizen's Advisory Council (Johnson)

This Resolution was adopted.

[2023-022](#)

LAYDOWN A Resolution Supporting Amendments to Title 3 of the Alaska Administrative Code, Section 26.110 to Abolish the 80th Percentile Rule (Cox)

This Resolution was adopted.

[2022-19-43](#) An Ordinance Appropriating Funds and Authorizing the Borough Clerk to Contract for an Upgraded Voting System, Software, and Related Equipment to Continue to Provide an Accessible Voting System for Persons with Disabilities (Johnson, Cox, Mayor, Tupper, Hibbert) (Hearing on 03/14/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-44](#) An Ordinance Appropriating \$33,952,735.93 in Educational Bond Proceeds for the Purpose of Financing the Certain Educational Capital Projects in the Borough (Mayor) (Hearing on 03/14/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-45](#) An Ordinance Appropriating \$16,427,119.80 in Bond Proceeds for the Purpose of Financing the Cost of a Replacement Fire Station Located in the Central Emergency Service Area (Mayor) (Hearing on 3/14/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-46](#) An Ordinance Appropriating \$249,000.38 to the Special Assessment Fund for the Whale-of-a-Tail Avenue Utility Special Assessment District (Mayor) (Hearing on 03/14/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-47](#) An Ordinance Appropriating \$330,000 from the General Fund to Support the Central Peninsula Landfill Operating Budget for FY23 (Mayor) (Hearing on 03/14/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-48](#) An Ordinance Appropriating Funds from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Hospital's Infrastructure Replacement and Deferred Maintenance Preliminary Design Project (Mayor) (Hearing on 03/14/23)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-49](#) An Ordinance Amending the Seward Bear Creek Flood Service Area Program Lead Job Description, Approving a Full-Time Program Manager Position, and Appropriating Necessary Funds for the Position (Mayor) (Hearing on 03/14/23)

This Budget Ordinance was introduced and set for public hearing.

[KPB-4941](#) Petition to Vacate a Portion of McNamara Court Cul-de-sac Bulb (Mayor)

[Clerk's Note: At its regularly scheduled meeting of February 13, 2023 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous consent.]

approved.

[KPB-4939](#) Confirmation of Scott Griebel as Roads Director (Mayor)

approved.

[KPB-4940](#) Confirmation of Lance J. Bishop IT Director (Mayor)

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

Steve Lutz, Gaming Officer Kenai Peninsula Archers spoke in support of Ordinance 2023-04.

Lindsey Bertholl, Nikiski spoke in opposition to Ordinance 2022-19-43.

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-4959](#) LAYDOWN A Resolution Commending the Service of Mike Navarre (Johnson)

[Clerk's Note: President Johnson presented the commending resolution to Mike Navarre.]

This Commending Resolution was adopted.

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-4935](#) Grand Jury Investigations, David Haeg (10 minutes)

[Clerk's Note: David Haeg gave a presentation to the Assembly.]

2. [KPB-4936](#) Alaska Christian College, Campus Building Update, Dr. Keith Hamilton, President (10 minutes)

[Clerk's Note: Dr. Keith Hamilton gave a presentation to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

The following people addressed the assembly regarding grand jury investigations.

Waynette Coleman

James Price

Chandra Caffroy

Steve Beilgard

Queen Parker

Scott Ager

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

[2023-02](#)

An Ordinance Amending Borough Code, KPB 22.30.010, Relating to Composition of Assembly Districts to Revise Assembly and School Board District Boundaries (Johnson, Cox) (Hearing on 02/21/23)

Chesley moved to enact Ordinance 2023-02.

President Johnson called for public hearing.

Joan Corr, Soldotna spoke in opposition to Ordinance 2023-02.

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

The motion to enact Ordinance 2023-02 carried by the following vote:

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

[2023-03](#)

An Ordinance Amending KPB 22.30 and KPB 22.40 Regarding Assembly Committees, Excused Absences and Remote Participation of Assembly Members (Cox, Hibbert, Ecklund) (Hearing on 02/21/23)

Chesley moved to enact Ordinance 2023-03.

President Johnson called for public hearing with none being offered.

Assembly Members Ecklund and Chesley spoke in support of Ordinance 2023-03.

Assembly Members Derkevorkian, Ribbens and Elaim spoke in opposition to Ordinance 2023-03.

Cox moved to amend Section 2 of Ordinance 2023-03 as follows:

"A. In order for an absence to be excused, an assembly member must contact the borough clerk **in writing** prior to the meeting and state the reason for their inability to attend the meeting.

B. The borough clerk will inform the assembly president of the request for an excused absence prior to the meeting and the assembly president will rule whether **the** absence is excused or unexcused. The assembly president's ruling may be overruled by a majority of members present. The motion is a motion to excuse the absent member and the motion is non-debatable.

C. During the roll call for the meeting, the borough clerk will indicate whether a member's absence was ruled excused or unexcused and make an appropriate notation in the minutes.

D. A member will not be granted an excused absence if the member:

[a.] 1. failed to request an excused absence in writing; or

[b.] 2. has missed more than 25 percent of the regular and special meetings held by the assembly during any past consecutive twelve-month period;

[c.] 3. will not be able to attend at least 75 percent of the regular meetings of the assembly during any future consecutive twelve-month period; or

[d.] 4. has missed three consecutive regular meetings.

The assembly president may relax the foregoing limitations in the event of a health or family emergency, or inclement weather."

The motion to amend Section 2 of Ordinance 2023-03 carried by the following vote:

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

The motion to enact Ordinance 2023-03 as amended carried by the following vote:

Yes: 6 - Hibbert, Chesley, Ecklund, Tupper, Johnson, and Cox

No: 3 - Derkevorkian, Elam, and Ribbens

UNFINISHED BUSINESS

Notices to Reconsider/Rescind

[2022-46](#)

An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper)

[Clerk's Note: Assembly Member Ecklund gave notice of reconsideration at the 02/07/23 assembly meeting.]

Ecklund moved to reconsider Ordinance 2022-46.

President Johnson called for public comment.

The following people spoke in support of Ordinance 2022-46:

Steve Peskosky, CEO of Tyonek Native Association

Connie Downing, Tyonek Native Association

The following people spoke in opposition to Ordinance 2022-46:

Karen McGahan, Nikiski

Lin Niesen, Nikiski

Jason Ross, Nikiski

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

The motion to reconsider Ordinance 2022-45 carried by the following vote:

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

No: 2 - Derkevorkian, and Elam

Hibbert moved to amend Ordinance 2022-46 to exclude Tyonek, Salamatof and CIRI properties from the advisory planning commission boundaries.

Ecklund spoke in opposition to the Hibbert amendment.

The motion to amend Ordinance 2022-46 failed by the following vote:

Yes: 4 - Hibbert, Derkevorkian, Elam, and Ribbens

No: 5 - Chesley, Ecklund, Tupper, Johnson, and Cox

Ribbens moved to postpone Ordinance 2022-46 to March 14, 2023.

Assembly Members Hibbert and Derkevorkian spoke in support of postponing Ordinance 2022-46.

President Johnson passed the gavel to Vice President Cox and spoke in support of postponing Ordinance 2022-46. Vice President Cox returned the gavel to President Johnson.

Assembly Member Cox spoke in opposition to postponing Ordinance 2022-46.

The motion to postpone Ordinance 2022-46 to March 14, 2023 carried by the following vote:

Yes: 6 - Hibbert, Derkevorkian, Elam, Chesley, Johnson, and Ribbens

No: 3 - Ecklund, Tupper, and Cox

NEW BUSINESS

Resolutions

[2023-021](#) LAYDOWN Certifying the Results of the February 14, 2023 Special Mayoral Election (Johnson at the Request of the Borough Clerk)

Chesley moved to adopt Resolution 2023-021.

President Johnson called for public comment with none being offered.

The motion to adopt Resolution 2023-021 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-4942](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-4943](#) Memorandum of Understanding between the Kenai National Wildlife Refuge, Alaska Department of Natural Resources, Kenai Peninsula Borough, City of Kenai, City of Soldotna, Kenai Watershed Forum, Inc. and the USDA, Forest Service, Chugach National Forest, Seward Ranger District
 - b. [KPB-4944](#) Stryker Maintenance Sole Source Waiver - KIFEPAK
3. Other
 - a. [KPB-4945](#) Budget Revisions - January 2023
 - b. [KPB-4946](#) Revenue-Expenditure Report - January 2023
 - c. [KPB-4947](#) Capital Project Reports - December 31, 2022
 - d. [KPB-4948](#) Tax Adjustment Request Approval

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

Karen McGahan, Nikiski thanked the assembly for all their work regarding

Ordinance 2022-46.

Waynette Coleman, Nikiski addressed the assembly regarding the State of Alaska's carbon credit program.

David Haeg, addressed the assembly regarding grand jury investigations.

Peter Micciche, Soldotna thanked the election workers, canvass board and the Clerk's Office for their hard work on the election, he also stated he looked forward to working with the assembly.

David Nordland, addressed the assembly regarding grand jury investigations.

Scott Ager, addressed the assembly regarding the definition of postponement.

Lindsey Bertholl, Nikiski addressed the assembly regarding election integrity.

Jason Ross, Nikiski addressed the assembly regarding community engagement.

Chandra Caffroy addressed the assembly regarding grand jury investigations.

Joan Corr, Soldotna addressed the assembly regarding election equipment, carbon credits and grand jury investigations.

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

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for their testimony. He congratulated Peter Micciche for being elected as borough mayor and thanked Mike Navarre for his service. Mr. Elam stated he appreciated changing the meeting time of the Material Site Subcommittee.

Assembly Member Hibbert thanked the Clerk's Office, election workers and canvass board members for their hard work. He thanked Mike Navarre for his service. Mr. Hibbert congratulated Peter Micciche for being elected as borough mayor and looked forward to working with him. He thanked everyone for their testimony. He wished everyone a good evening.

Assembly Member Ribbens stated the rest of the assembly members needed to improve their constituents' attendance as the chambers were filled with lots of District 3 residents.

Assembly Member Chesley stated it was a pleasure to serve with Mike Navarre and all assembly members.

Assembly Member Ecklund stated she wanted to thank Michele Turner for all her hard work and stated she appreciated her. Ms. Ecklund thanked Mike Navarre for his service and looked forward to working with Peter Micciche. She reminded everyone of the school district's budget meeting Wednesday, February 22, 2023 at 2:00 pm at Seward High School.

Assembly Vice President Cox thanked the Clerk's Office and the election workers for all their hard work. He invited everyone to come observe the elections. Mr. Cox thanked Mike Navarre for his service. He stated the borough was in good hands with Peter Micciche coming into office. Mr. Cox shared upcoming school athletic events.

President Johnson thanked the Clerk's Office for all their hard work on the elections. He shared statistics regarding counties in the United States compared to the Kenai Peninsula Borough. Mr. Johnson thanked Mike Navarre for his years of service and looked forward to working with Peter Micciche. He stated that Max Best was one good guy and also thanked him for his service. Mr. Johnson stated that he and Mr. Ribbens were leaving to attend the Alaska Municipal League Winter Legislative Conference on February 22, 2023.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. March 14, 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. March 14, 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 11:11 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 21, 2023.

Michele Turner, CMC, Acting Borough Clerk

Approved by the Assembly: _____