



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, January 17, 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

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Keith Hamilton.]

ROLL CALL

Present: 8 - Brent Hibbert, Richard Derkevorkian, Bill Elam, Lane Chesley, Cindy Ecklund, Mike Tupper, Brent Johnson, and Tyson Cox

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

COMMITTEE REPORTS

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

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

Assembly Member Cox stated the Legislative Committee met and discussed its agenda items.

VACANCY, DESIGNATION OR SEATING MEMBERS

1. [KPB-4851](#) Appointment of Assembly Member for District 3 - Nikiski

[Clerk's Note: The assembly members cast their vote by ballot. Acting Borough Clerk Turner tallied and read the votes for the record. Peter Ribbens 5 votes, Heidi Covey 3 votes.]

Cox moved to appoint Peter Ribbens to the District 3 - Nikiski Assembly seat.

The motion to appoint Peter Ribbens to the District 3 - Nikiski Assembly seat carried by the following vote:

Yes: 5 - Chesley, Ecklund, Tupper, Johnson, and Cox

No: 3 - Hibbert, Derkevorkian, and Elam

2. Swearing in of Newly Appointed Assembly Member

[Clerk's Note: Acting Borough Clerk Turner swore in newly appointed Assembly Member Ribbens and took a new roll call.]

Present: 9 - Brent Hibbert, Richard Derkevorkian, Bill Elam, Lane Chesley, Cindy Ecklund, Mike Tupper, Brent Johnson, Tyson Cox, and Peter Ribbens

APPROVAL OF AGENDA AND CONSENT AGENDA

Cox moved to approve the agenda and consent agenda.

[KPB-4853](#) January 3, 2023 Regular Assembly Meeting Minutes
approved.

[KPB-4863](#) A Resolution in Memoriam Commending the Contributions of Betty J. Glick

This Commending Resolution was adopted.

[2022-19-39](#) An Ordinance Deobligating and Appropriating Solid Waste Capital Project Funds Previously Appropriated for the Construction of the Funny River Transfer Site to Overhead Door Replacement at Central Peninsula Landfill (Mayor) (Hearing on 01/17/23)

This Budget Ordinance was enacted.

[2023-007](#) A Resolution Providing a 30-Day Application Period Prior to Inactivating the Kachemak Bay Advisory Planning Commission (Mayor)

This Resolution was adopted.

[2023-008](#) A Resolution Establishing the Federal Congressional Priorities List for the Kenai Peninsula Borough for Fiscal Year 2024 (Mayor)

This Resolution was adopted.

[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)

[Clerk's Note: Bobbi Sjogren, GIS Specialist will give a 10 minute presentation during Policies and Procedures Committee.]

This Ordinance was introduced and set for public hearing.

[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)

This Ordinance was introduced and set for public hearing.

[KPB-4817](#) Authorizing the Issuance of a Letter of Non-Objection to the Alcoholic Beverage Control Board Regarding the New Liquor License and Approve the Restaurant Designation Permit as Requested By George Bowen dba Big Daddy's Pizza, License No. 6103

approved.

[KPB-4867](#) Authorizing the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Bay Leaf Enterprises LLC, Requested by Dan McClure License No. 31148, Subject to the Standard Conditions

approved.

[KPB-4852](#) Confirming an Appointment to the Kenai Peninsula Borough Advisory Planning Commission (Mayor)

Anchor Point Advisory Planning Commission
Jill Gunnerson, Seat E, Term Expires 09/30/2024

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 consent agenda carried by the following vote:

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

COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-4863](#) A Resolution in Memoriam Commending the Contributions of Betty J. Glick

[Clerk's Note: Mayor Navarre read the commending resolution and presented it to Betty Glick's husband, Carl Glick, and their daughter, Elizabeth McDermid.]

PRESENTATIONS WITH PRIOR NOTICE

[KPB-4854](#) Kenai Peninsula Borough School District Quarterly Report (10 minutes)

[Clerk's Note: Clayton Holland, Superintendent Kenai Peninsula Borough School District gave a quarterly update 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:

David Haeg
Ray Southwell

Ed Martin, Jr., Kenai expressed his condolences to the Glick family and addressed the assembly regarding more female representation on the assembly.

Joan Corr, Soldotna addressed the assembly regarding election processes and voting.

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

[2022-44](#) An Ordinance Amending KPB 4.10.060 and 4.10.110 to Eliminate the

Requirement that the Informational Election Brochure be Mailed to Every Borough Boxholder and to Eliminate the Requirement of the Borough Clerk to Seek Authorship Advocating Approval and Rejection of Ballot Propositions (Johnson, Cox) (Hearing on 01/17/23)

Chesley moved to enact Ordinance 2022-44.

President Johnson called for public comment.

The following people addressed the assembly regarding Ordinance 2022-44:

Duane Bannock, Kenai

Alex Koplín, Homer

Joan Corr, Soldotna

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

Derkevorkian moved to amend Ordinance 2022-44 to read:

Delete Section 3 as follows, [REPEAL KPB 4.10.110(B) IN ITS ENTIRETY.]

The motion to amend failed by the following vote:

Yes: 2 - Derkevorkian, and Elam

No: 7 - Hibbert, Chesley, Ecklund, Tupper, Johnson, Cox, and Ribbens

Cox moved to amend Ordinance 2022-44 as follows:

Amend the ordinance by renumbering the second Section 2 as Section 3.

Amend the ordinance by adding a new Section 4 to read, "That for all Borough elections, for the three years following enactment of this ordinance, the Borough Clerk will send out postcard mailers to all Borough boxholders that provides information for where the informational voter brochure may be found and that a voter can obtain a printed copy with the Borough Clerk's Office."

Amend the ordinance by renumbering the current Section 3 as Section 5.

The motion to amend Ordinance 2022-44 carried by the following vote:

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

The motion to enact Ordinance 2022-44 as amended carried by the following vote:

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

No: 2 - Derkevorkian, and Elam

Testing Before a Run-Off Election (Johnson, Cox) (Hearing on 01/17/23)

Chesley moved to enact Ordinance 2022-45.

President Johnson called for public comment with none being offered.

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

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

No: 2 - Derkevorkian, and Elam

[2022-47](#)

An Ordinance Amending KPB 5.04.095(B) to Remove the River Center as a Listed General Fund Department and KPB 5.20.030 to Remove the River Center Fund from the Special Revenue Fund List (Mayor) (Hearing on 01/17/23)

Chesley moved to enact Ordinance 2022-47.

President Johnson called for public comment.

Ed Martin, Jr., Kenai spoke in opposition to Ordinance 2022-47.

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

The motion to enact Ordinance 2022-47 carried by the following vote:

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

UNFINISHED BUSINESS

MAYOR'S REPORT

[KPB-4856](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
3. Other
 - a. [KPB-4857](#) Authorization to Award a Contract for RFP23-007 BAB Roof Replacement
 - a. [KPB-4858](#) Withdrawal from FEMA's Voluntary Floodplain Community Rating System Program

- b. [KPB-4859](#) Soldotna Public Safety Communication Center: Text-to-911
- c. [KPB-4862](#) Litigation Status Report - Quarter Ending 12/31/22

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

The following people addressed the assembly regarding grand jury investigations:

Ed Martin, Jr., Kenai

David Haeg

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 thanked the Nikiski candidates for applying to the District 3 assembly seat. He wished everyone a good evening.

Assembly Member Hibbert thanked the candidates for applying to the District 3 assembly seat. He congratulated Mr. Ribbens on his appointment. He wished everyone a good evening.

Assembly Member Tupper stated that South Peninsula Behavioral Health Services has restarted their mental health program that was put on hold during the pandemic and encouraged everyone to attend the next session on January 26, 2023 at 6:00 pm.

Assembly Member Derkevorkian congratulated Mr. Ribbens on his appointment. He expressed his disappointment of the body's actions regarding the appointment to the District 3 assembly seat, stating they were not listening to the wishes of Nikiski residents.

Assembly Member Ribbens thanked the other three candidates who applied. He stated it was humbling and an awesome opportunity to represent the residents of Nikiski. He thanked the assembly for their support of his application.

Assembly Member Chesley welcomed Mr. Ribbens to the Assembly. He thanked the other three candidates for applying. Mr. Chesley gave a brief update on fishing news, stating cod fishing season had opened and the struggles of the crab fisheries.

Assembly Member Ecklund stated the importance of the emergency radio communications getting fixed as fast as possible on the east peninsula. She thanked

the four candidates for applying to the District 3 assembly seat. She stated she too had received public comments regarding the appointment. Ms. Ecklund stated she looked at a three part process in making her selection; recommendations from the public, the interview process and the candidate's speech. She congratulated Mr. Ribben on his appointment. She thanked everyone for their testimony.

Vice President Cox echoed the same to all four candidates for applying to the District 3 seat. He welcomed Mr. Ribbens to the Assembly. He encouraged the candidates to run for election in October. Mr. Cox shared that he attended the 2023 Industry Outlook Forum, as did the four mayoral candidates, and shared a couple highlights. He shared some upcoming athletic events for Soldotna High School. He wished everyone a good evening.

President Johnson acknowledged and noted a few noteworthy individuals; School Board President Debbie Cary, Former Assembly President Wayne Ogle, Mayoral Candidate Linda Hutchings, and Mayoral Candidate Dr. Zachary Hamilton. Mr. Johnson shared that he too received public comment regarding the assembly appointment and stated that was not the only factor in his decision making process. He congratulated Mr. Ribbens for his appointment. He reminded everyone to drive safely and have a good evening.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 7, 2023 Material Subcommittee Meeting

TBD

Betty J. Glick Assembly Chambers

Borough Administration Building

Remote participation available through Zoom

Meeting ID: 884 7373 9641 Passcode: 671108

2. February 7, 2023 Regular Assembly Meeting

6:00 PM

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 9:08 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 17, 2023.

Michele Turner, CMC, Acting Borough Clerk

Approved by the Assembly: _____