



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Draft

### Assembly

*Brent Johnson, President*

*Tyson Cox, Vice President*

*Jesse Bjorkman*

*Lane Chesley*

*Richard Derkevorkian*

*Cindy Ecklund*

*Bill Elam*

*Brent Hibbert*

*Mike Tupper*

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Tuesday, December 13, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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Meeting ID: 884 7373 9641 Passcode: 671108

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: Invocation was given by Joshua Niemuth.]

### ROLL CALL

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

Also present were:

Mike Navarre, Borough Mayor

Max Best, Chief of Staff

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Michele Turner, Acting 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 Legislative Committee met and discussed its agenda items.

## **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-4773](#) November 15, 2022 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:

[2022-19-26](#) An Ordinance Accepting and Appropriating the “Year Two” Opioid Settlement Funds Distributed Through the State of Alaska (Mayor)  
**This Budget Ordinance was enacted.**

[2022-19-27](#) An Ordinance Accepting and Appropriating Grant Funds of \$150,000 for the Kenai Peninsula Borough Fish Passage Project, a Partnership between the Kenai Peninsula Borough and the U.S. Fish & Wildlife Service (Mayor)  
**This Budget Ordinance was enacted.**

[2022-19-28](#) An Ordinance Accepting and Appropriating a Grant from FM Global for the Purchase of Two Hydrocarbon and Accelerant Detectors for Western Emergency Service Area (Mayor)  
**This Budget Ordinance was enacted.**

[2022-19-29](#) An Ordinance Appropriating Supplemental Funding of \$216,165 from the Seward Bear Creek Flood Service Area Fund to Replenish the Emerging Situations Budget and to Fund Site Maintenance Projects in Lost Creek and Sawmill Creek (Mayor)  
**This Budget Ordinance was enacted.**

[2022-19-30](#) An Ordinance Appropriating Supplemental Funds to Land Management Operations for the Remainder of Fiscal Year 2023 (Mayor)  
**This Budget Ordinance was enacted.**

[2022-19-31](#) An Ordinance Appropriating \$1,625,000 from the General Fund to Provide Interim Funding for Preliminary Design and Development of the Bond Funded School Projects Authorized by Ballot Proposition 2 at the October 2022 Election (Mayor)

**This Budget Ordinance was enacted.**

[2022-19-32](#) An Ordinance Deobligating Previously Appropriated Project Funds of \$1,522,530 and Appropriating \$659,783 of those Funds for the Expanded Scope of South Peninsula Hospital Nuclear Medicine/Pharmacy/Infusion Renovation Project (Mayor)

**This Budget Ordinance was enacted.**

[2022-19-33](#) An Ordinance Amending the Deputy Borough Clerk Job Description, Approving a Full-Time Records Manager Position and Appropriating Necessary Funds for the Position (Johnson, Cox)

**This Budget Ordinance was enacted.**

#### New Business

[2022-059](#) A Resolution Accepting the Resignation of Assembly Member Jesse Bjorkman and Declaring a Vacancy on the Assembly (Johnson, Cox)

*[Clerk's Note: Assembly Member Bjorkman abstained from the discussion and vote regarding Resolution 2022-059.]*

*[Clerk's Note: Section 3 of Resolution 2022-059 was amended to read, "That pursuant to KPB 22.30.060(C), all applicants for appointment must file with the Borough Clerk a declaration of candidacy. The filing period will open at 8:00 a.m. on December 14, 2022 and end at 4:30 p.m. on January 10, 2023. Applicants must be a registered voter and resident within Assembly District 3. Applicants for appointment may execute and file their declaration of candidacy electronically. The declaration of candidacy does not need to be notarized to be valid."]*

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

**Abstain:** 1 - Bjorkman

[2022-060](#) A Resolution Declaring a Local Economic Disaster For 2021 and 2022 and Requesting the Governor of the State of Alaska Declare an Economic Disaster for 2021 and 2022 For The Upper Cook Inlet East Side Set Net Fishery And Supporting A Recovery Plan (Johnson, Cox,

Chesley, Bjorkman, Elam)

*[Clerk's Note: Assembly President Johnson passed the gavel to Vice President Cox and declared a conflict as he was an east side set net fisherman. Vice President Cox ruled a conflict did exist. President Johnson abstained from the discussion and vote regarding Resolution 2022-060. Vice President Cox returned the gavel to President Johnson.]*

**Yes:** 8 - Hibbert, Derkevorkian, Elam, Chesley, Ecklund, Tupper, Bjorkman, and Cox

**Abstain:** 1 - Johnson

[2022-19-34](#) An Ordinance Approving the Second Amendment to the Spending Plan for the COVID-19 Community Funding Program to Purchase Portable Training Tables, Chairs, Response Equipment, Response Training and Electronic Signage to Support Future Emergency Response Objectives and Appropriating Service Area Funds to Support Local Portion of Signage (Mayor) (Hearing on 01/03/23)

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

[2022-19-35](#) An Ordinance Accepting and Appropriating Funding from the State of Alaska in the Amount of \$426,303 for Fiscal Year 2023, Allocating a One-Time Bonus Amount Based on A Per-Capita Calculation in the Amount of \$308,883.91, and Approving Projects to be Completed for Community Purposes Under the State's 2022/2023 Community Assistance Programs (Mayor) (Hearing on 01/03/23)

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

[2022-19-36](#) An Ordinance Accepting and Appropriating \$61,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management for the Siren Warning System Replacement Project within the City of Homer (Mayor) (Hearing on 01/03/23)

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

[2022-19-37](#) An Ordinance Appropriating \$13,078.54 from the River Center Building Maintenance Reserve Fund and \$6,625.18 from the 911 Communications Fund for Unexpected Repairs to the River Center Building (Mayor) (Hearing on 01/03/23)

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

[2022-19-38](#) An Ordinance Appropriating \$475,250 from the Insurance and

Litigation Fund for Additional Costs of Insurance Claims Incurred in FY2023 (Mayor) (Hearing on 01/03/23)

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

[2022-43](#)

An Ordinance Authorizing a Subsurface Oil and Gas Lease to Hilcorp Alaska, LLC, in the Ninilchik Unit (Mayor) (Hearing on 01/03/23)

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

[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)

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

[2022-45](#)

An Ordinance Amending KPB 4.60.030 Relating to Ballot Tabulator Testing Before a Run-Off Election (Johnson, Cox) (Hearing on 01/17/23)

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

[2022-46](#)

An Ordinance Amending KPB 21.02.230 to Modify the Boundaries of the Nikiski Advisory Planning Commission (Johnson, Ecklund, Tupper) (Hearing on 02/07/23)

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

[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)

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

[KPB-4767](#)

Petition to Vacate a 33' x 820' Public Access Easement in Bear Creek area adjacent to Tract H of Questa Woods Subdivision Southern Addition, KPB File 2022-156V

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its regular meeting on November 14, 2022 by unanimous consent.]

approved.

[KPB-4768](#)

Petition to Vacate a 17' width and 373' portion of the Lupine Avenue

and a Portion of the Cul-de-Sac bulb in the Nikiski Area, KPB File 2022-156V

approved.

[KPB-4769](#) Confirming Appointments to the Board of Equalization (Mayor)

Dale Bagley, Seat B, Term Expires 12/31/2025

Brent Johnson, Seat E, Term Expires 12/31/2025

approved.

[KPB-4770](#) Confirming an Appointment to the Anchor Point Advisory Planning Commission (Mayor)

Joey Chamberlin, Seat D, Term to Expire 09/30/2025

approved.

[KPB-4772](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Willow King, At-Large Seat, Term to Expire 09/30/2023

approved.

[KPB-4771](#) Confirming Appointments to Service Area Boards (Mayor)

East Peninsula Highway Emergency Service Area Board  
Clay Adam, Seat B, Term to Expire 10/2025

Kachemak Emergency Service Area  
Randall Blad, Seat D, Term to Expire 10/2025

North Peninsula Recreation Service Area Board  
Erin Bellotte, Seat D, Term to Expire 10/2024

approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment.

**Ken Coleman** spoke in support of Resolution 2022-060.

The following people spoke in opposition to Ordinance 2022-44:

**Donna Aderhold**, Homer  
**Alex Koplín**, Homer  
**Joan Corr**, Soldotna  
**Ed Martin Jr.**, Kenai

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

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

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

## **PRESENTATIONS WITH PRIOR NOTICE**

1. [KPB-4774](#) Kenai Peninsula Borough School District Quarterly Report; Clayton Holland, Superintendent (10 minutes)

*[Clerk's Note: Clayton Holland, Kenai Peninsula Borough School District Superintendent and Annaleah Karron, Kenai Peninsula Borough School District College and Career Readiness Coordinator gave a quarterly report to the assembly.]*

2. [KPB-4775](#) Peninsula Community Health Services Local Mental Health Update; Jed Rigby, Director of Behavioral Health (10 minutes)

*[Clerk's Note: Jed Rigby, Director of Behavioral Health at Peninsula Community Health Services (PCHS) gave a local mental health update to the assembly.]*

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

President Johnson called for public comment.

The following people spoke in opposition to by-mail elections:

**Norm Blakeley**, Sterling  
**Joan Corr**, Soldotna

**Ed Martin Jr.**, Kenai addressed the assembly regarding absentee ballots chain of custody.

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

## **PUBLIC HEARINGS ON ORDINANCES**

[2022-36](#)

An Ordinance 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)

*[Clerk's Note: The motion to enact was on the floor from the September 6, 2022 meeting.]*

Chesley moved to postpone Ordinance 2022-36 to March 14, 2023.

President Johnson called for public comment.

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

**Ed Martin III**

**Sue Mauger**, Cook Inlet Keeper

**Kaitlin Vadla**, City of Soldotna Planning and Zoning Commission

**Ed Martin Jr.**, Kenai

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

The motion to postpone Ordinance 2022-36 to March 14, 2023 carried by the following vote:

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

## MAYOR'S REPORT

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-4798](#) Authorization to Award a Contract for ITB23-011 Sport Lake Rd/Hakala Dr/Cotman Ct Gravel CIP
  - b. [KPB-4799](#) Authorization to Award a Contract for ITB23-025 Central Peninsula Landfill Brush Burning
  - c. [KPB-4800](#) Authorization to Award a Contract for RFP23-004 Gravel Road Design FY23
  - d. [KPB-4801](#) Authorization to Award a Contract for ITB23-013 Kenai, Nikiski, Sterling Transfer Facilities Operation and Maintenance 2023
  - e. [KPB-4802](#) Authorization to Award a Contract for ITB23-012 Seward Transfer Facilities Operation and Maintenance 2023

## 3. Other

- a. [KPB-4803](#) Tax Adjustment Request Approval
- b. [KPB-4804](#) Investment Report Quarter Ended 09/30/22
- c. [KPB-4805](#) Budget Revisions - October 2022
- d. [KPB-4806](#) Revenue-Expenditure Report - October 2022

**PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment.

**Ed Martin, Jr.**, Kenai wished everyone a Merry Christmas and to be safe.

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

**ASSEMBLY COMMENTS**

Assembly Member Elam wished Mr. Martin a Merry Christmas. He stated he appreciated everyone's hard work on Ordinance 2022-36. Mr. Elam apologized for not being at the subcommittee meeting but reassured everyone he would attend future ones. He stated he appreciated all the hard work of the Roads Department with the recent snow storm. Mr. Elam thanked everyone for a good year and wished everyone a Merry Christmas.

Assembly Member Hibbert wished everyone a Merry Christmas and a happy New Year. He reminded everyone that the holiday season may be rough on others and to keep them on your mind. He wished everyone a good evening.

Assembly Member Tupper stated he appreciated everyone who testified and all the work that was accomplished during the sub-committee meeting. Mr. Tupper stated he attended the Alaska Municipal League conference in Anchorage and it was filled with great information. He stated he would write a report that addresses all the highlights. Mr. Tupper wished everyone a good evening.

Assembly Member Derkevorkian wished everyone happy holidays, Merry Christmas and a happy New Year. He reminded everyone to be careful in the snow. He stated the Chugach National Forest has authorized motorized use and cautioned everyone of the current extremely high avalanche dangers. He encouraged everyone to check the current conditions with the Chugach Avalanche Center. Mr. Derkevorkian addressed public comments regarding by-mail voting and holding the local elections on the same

day as the State of Alaska.

Assembly Member Bjorkman thanked everyone for their participation and great presentations. He stated he also attended the Alaska Municipal League conference in Anchorage and stated there were great discussions and information provided. Mr. Bjorkman stated there was a lot of things happening in Juneau that affected the Kenai Peninsula Borough and was excited to get working on those items. He thanked all of the plow drivers and equipment operators for all their hard work. He wished everyone a Merry Christmas, enjoy the outdoors and to be safe.

Assembly Member Chesley stated it was a pleasure to serve with Jesse Bjorkman on the assembly. He stated Mr. Bjorkman had inspired him so much through his commitment to represent the constituents of his district, as well as his critical and creative thinking, stating Mr. Bjorkman was awesome. Mr. Chesley wished him all the best in Juneau and looked forward to his contributions to our state government. He also thanked all of the public servants in the borough including service area boards, city and community councils for all their volunteer hours to making our local government work. Mr. Chesley also thanked the borough staff for their committed hours to those boards. He stated he was appreciative to be a part of the culture at the borough to take things seriously and make things happen. He wished everyone a great holiday season.

Assembly Member Ecklund stated it was an interesting first year for her on the assembly, stating she appreciated the public input. She thanked the administration and staff who support their work. Ms. Ecklund stated that after listening to Senator Micciche's comments, she would like the borough to pursue legislative priorities so they may take current documentation to Juneau. She encouraged everyone to enjoy the time spent with their families and neighbors this holiday season.

Vice President Cox stated the filing period for appointment to Assembly District 3 - Nikiski seat is December 14, 2022 through January 10, 2023 at 4:30 p.m. He wished everyone a Merry Christmas. He also reminded everyone of upcoming high school sports events.

President Johnson appreciated everyone who attended and provided testimony. He stated his neighbor Gary Spruill pass away last week and offered his condolences. Mr. Johnson wished everyone a Merry Christmas and a happy New Year. He stated he really enjoyed doing this job; it was an honor to serve the public, craft legislation and bring people together to be part of government. Mr. Johnson stated he was excited for Mr. Bjorkman to begin his new journey in Juneau.

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. January 3, 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. January 3, 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 9:05 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of December 13, 2022.

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

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