



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final Assembly

Tuesday, October 25, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Talakai Finau.]

ROLL CALL

[Clerk's Note: Assembly Member Chesley participated via Zoom.]

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

Also present were:

Mike Navarre, Borough Mayor

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Johni Blankenship, Borough Clerk

Avery Warner, Borough Clerk Assistant

COMMITTEE REPORTS

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

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

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

MOTION: To suspend the rules and authorize the assembly material site subcommittee members, a committee of the whole, to vote on the proposed amendments to Ordinance 2022-36 at subcommittee meetings.

The motion to suspend the rules carried by the following vote:

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Hibbert moved to approve the Agenda and Consent Agenda.

[KPB-4664](#) October 11, 2022 Regular Assembly Meeting Minutes

A motion was made by Hibbert to approve the Agenda and Consent Agenda. The motion carried by the following vote:

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

[2022-19-20](#) An Ordinance Appropriating \$100,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Planning Commission Appeals (Johnson at the Request of the Borough Attorney) (Hearing on 10/25/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-21](#) An Ordinance Appropriating Supplemental Funding to Complete the Uninterrupted Power Supply Replacement Project Located in the Emergency Response Center (Mayor) (Hearing on 10/25/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-22](#) An Ordinance Accepting and Appropriating \$441,000 from the State of Alaska Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management for Areawide Warning Sirens and Cybersecurity Upgrades (Mayor) (Hearing on 10/25/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-23](#) An Ordinance Accepting \$200,000 from the State of Alaska Department of Military and Veterans Affairs, Division of Homeland Security & Emergency Management for Emergency Management Operations and Appropriating \$40,000 for the Remaining Match Requirement (Mayor) (Hearing on 10/25/22)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-24](#) An Ordinance Appropriating \$653,900 from the General Fund for Increased Costs of Contract Services for Operation of the Seward, Kenai, Nikiski and Sterling Transfer Facilities (Mayor) (Hearing on 10/25/22)

This Budget Ordinance was introduced and set for public hearing.

New Business

[2022-054](#) A Resolution Approving the Acquisition of a Public Access Easement from the State of Alaska for Watermelon Trail (Mayor)

This Resolution was adopted.

[2022-055](#) A Resolution Authorizing One Full-Time Assessing Clerk Classified Service Position (Mayor)

This Resolution was adopted.

[2022-19-25](#) An Ordinance Appropriating Funds to the Legal Department for Litigation Fees and Costs Related to an Oil and Gas Property Tax Appeal (Mayor) (Hearing on 11/15/22)

This Budget Ordinance was introduced and set for public hearing.

[KPB-4636](#) Approving a New Liquor License filed by Vince Benjamin DBA: Mt. Marathon Brewing Company, License NO. 5894

approved.

[KPB-4672](#) Petition to Vacate a 60' Wide Section of Ciccone Street Right-of-Way and Associated Utility Permits; KPB File 2022-136V.

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at its October 10, 2022 meeting by unanimous consent.]

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 as amended carried by the following vote:

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

ASSEMBLY REORGANIZATION

1. Election of President and Vice President

President Johnson called for nominations for the office of Assembly President.

Mr. Cox nominated Mr. Johnson.
Mr. Derkevorkian nominated Mr. Hibbert.

Mr. Johnson was elected as Assembly President.

President Johnson called for nominations for the office of Assembly Vice President.

Mr. Elam nominated Mr. Hibbert.
Ms. Ecklund nominated Mr. Cox.
Mr. Derkevorkian nominated Mr. Elam.

Mr. Cox was elected as Assembly Vice President.

[Clerk's Note: Mr. Chesley cast his secret ballot via text to the Borough Clerk.]

COMMENDING RESOLUTIONS AND PROCLAMATIONS

1. [KPB-4671](#) Mayor's Proclamation declaring October 23, 2022 through October 29, 2022 Childhood Cancer Awareness Week

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-4665](#) South Peninsula Hospital Quarterly Report (10 minutes)
[Clerk's Note: Ryan Smith, CEO and Angela Hinnegan, COO of South Peninsula Hospital Inc. presented a quarterly report to the Assembly.]

2. [KPB-4666](#) Central Peninsula Hospital Quarterly Report (10 minutes)
[Clerk's Note: Shaun Keef, CEO of Central Peninsula Hospital Inc. presented a quarterly report to the Assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Mako Haggerty, Prince William Sound R.C.A.C. provided a committee update to the assembly.

Robin Davis, Engel Street addressed the assembly regarding the Mayor Pierce harassment allegations.

Michele Vasquez, addressed the assembly regarding the Mayor Pierce harassment allegations.

John Bollen, Strawberry Road addressed the assembly regarding material site code

re-write.

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

PUBLIC HEARINGS ON ORDINANCES

[2022-19-19](#) An Ordinance Calling For A Special Mayoral Election, Setting The Special Election Date, And Appropriating Necessary Funds (Johnson) (Hearing on 10/25/22)

Cox moved to enact Ordinance 2022-19-19.

President Johnson called for public comment.

Joan Corr, Soldotna addressed the assembly regarding Ordinance 2022-19-19.

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

Hibbert moved to amend Ordinance 2022-19-19 as follows:

Amend Section 1 to read, "That the Assembly directs the Borough Clerk acting in her capacity as the Election Supervisor to conduct a Special Mayoral Election on February 14, 2023."

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

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

Assembly Member Cox spoke in support of Ordinance 2022-19-19 as amended.

The motion to enact Ordinance 2022-19-19 as amended carried by the following vote:

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

[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.]

President Johnson called for public comment.

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

Mark Torni

Shane Campbell

Sue Mauger, Cook Inlet Keeper
Susan Braden
Dick Hamilton
Ed Martin III
Ralph Johnson
Robert Peterkin
Patrick Cummins
Kyle Foster
Cap Schafer

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

Hibbert moved to postpone Ordinance 2022-36 to December 13, 2022.

The motion to postpone Ordinance 2022-36 to December 13, 2022 carried by the following vote:

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

MAYOR'S REPORT

[KPB-4673](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
 - a. [KPB-4677](#) Authorization to Award a Contract for ITB23-002 South Peninsula Hospital Roof Replacement
 - b. [KPB-4678](#) Authorization to Award a Contract for ITB23-014 Nikiski Fire Station #2 Lighting
 - c. [KPB-4683](#) 23F1A Bruno Road Flooding Event - Real Property Tax Exemptions - Disaster Damage
 - d. [KPB-4686](#) Central Peninsula Landfill - Landfill Gas to Energy Update
 - e. [KPB-4687](#) South Peninsula Future Inert Waste Landfill Search
3. Other
 - a. [KPB-4679](#) Budget Revisions - September 2022
 - b. [KPB-4680](#) Revenue-Expenditure Report - September 2022

- c. [KPB-4681](#) Capital Projects Reports - September 30, 2022

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

Joan Corr, Soldotna addressed the assembly regarding the flooding on Kalifornsky Beach Road and Ordinance 2022-36.

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

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for attending and providing testimony. He stated through the material site re-write process, he wanted to be sure the operators had access to water as it was vital to their operations.

Vice President Cox reminded everyone of the activities at Soldotna High School. He reminded everyone to drive safely on the slick roads. He wished everyone a good evening.

Assembly Member Tupper reminded everyone to vote. He stated Pier One Theatre was putting on the production *Beauty and the Beast* October 28 and October 29, 2022 at 7:30 p.m.

Assembly Member Bjorkman thanked everyone for attending and providing testimony. He encouraged everyone to submit their comments and suggestions regarding material site code re-write to the assembly via email. He congratulated President Johnson and Vice President Cox on their election and stated he looked forward to another year. Mr. Bjorkman reminded everyone to drive safely and wished everyone a good evening.

Assembly Member Ecklund congratulated President Johnson and Vice President Cox on their election. She stated she really appreciated everyone's comments and suggestions regarding the material site code re-write. She wished everyone a good evening.

Assembly Member Hibbert congratulated President Johnson and Vice President Cox on their election. He reminded everyone to vote. He wished everyone a good evening and to be safe.

President Johnson thanked Mr. Hibbert for service as Vice President last year. He stated he attended the Road Service Area Board meeting and thanked the Deputy Clerk for helping to get their Zoom meeting back online. He stated he attended the

College Council meeting and gave a brief update. Mr. Johnson thanked the assembly for choosing him as their President for another year. He congratulated Vice President Cox as well.

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. November 15, 2022 Material Subcommittee Meeting
Time TBD Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108
2. November 15, 2022 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 9:26 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of October 25, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____