



# 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, February 7, 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)

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**Meeting ID: 884 7373 9641 Passcode: 671108**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION

[Clerk's Note: The Invocation was given by Assembly Vice President Cox.]

### ROLL CALL

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

**Absent:** 1 - Brent Hibbert

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 Vice President Cox 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 Vice President Cox stated the Legislative Committee met and discussed its agenda items.

## APPROVAL OF AGENDA AND CONSENT AGENDA

Vice President Cox moved to approve the Agenda and Consent Agenda.

- [KPB-4891](#) Meeting Minutes of January 17, 2023 Regular Assembly Meeting approved.
- [2023-009](#) A Resolution Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2023 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2022 and Prior (Mayor)  
**This Resolution was adopted.**
- [2023-011](#) A Resolution Authorizing Participation with the Wildfire Research Center to Conduct Wildfire Risk Assessments in the Communities of Cooper Landing, Funny River and Nikiski (Mayor)  
**This Resolution was adopted.**
- [2023-010](#) A Resolution Authorizing the Mayor to Execute a First Amendment to the Operating Agreement with CPGH, Inc. (Mayor)  
**This Resolution was adopted.**
- [2023-012](#) A Resolution Supporting an Alaska Department of Transportation Reconnaissance Engineering Study in Kasilof (Johnson)  
**This Resolution was adopted.**
- [2023-013](#) A Resolution Supporting a Project Proposal to Connect Trails Along the Sterling Highway in Homer with Baycrest Trails and Diamond Creek State Recreation Area (Mayor, Chesley, Tupper)  
**This Resolution was adopted.**
- [2023-014](#) A Resolution Establishing the Kenai Peninsula Borough's State Capital Project Priorities for the Year 2023 (Mayor)  
[Clerk's Note: The first paragraph under "Background" on the Western Emergency

Service Area 2023 capital priority was amended to read, "The Western Emergency Services was formed in 2020 when two Rural Fire Departments; Anchor Point Fire and Emergency Services and Ninilchik Emergency Services combined into one department and is the sole provider of fire and Advanced Life Support for the communities of Anchor Point, Nikolaevsk, Happy Valley, Ninilchik and portions of Clam Gulch."]

**This Resolution was adopted.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[2023-06](#) An Ordinance Approving an Amendment to Snomads Community Trail Management Agreement (Mayor) (Hearing on 02/21/23)

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

[2023-07](#) An Ordinance Amending Borough Code, KPB 12.08.100(A), Regarding Disposal of Abandoned Vehicles to Reflect the Ten-Calendar-Day Period in KPB 12.08.080(C)(6) (Mayor) (Hearing on 03/14/23)

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

[KPB-4895](#) LAYDOWN Approval of Precinct Boards, Canvass Board, and Absentee Voting Officials for the February 14, 2023 Special Mayoral Election and the March 7, 2023 Mayoral Run-Off Election (if required)

approved.

[KPB-4896](#) Confirming the Appointment of Cactus Moloney to the Position of Deputy Borough Clerk and Setting the Salary

approved.

[KPB-4907](#) Confirming the Appointment to the Anchor Point Advisory Planning Commission (Referred to Policies and Procedures Committee)

Barry White, Seat C, Term Expires September 30, 2023

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

None.

#### PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-4892](#) Central Peninsula Hospital Quarterly Report, Shaun Keef, CEO (10 minutes)

*[Clerk's Note: Shaun Keef, CEO of Central Peninsula Hospital presented the quarterly report to the Assembly.]*

2. [KPB-4893](#) South Peninsula Hospital Quarterly Report, Ryan Smith, CEO (10 minutes)

*[Clerk's Note: Ryan Smith, CEO and Angela Hinnegan, COO of South Peninsula Hospital presented the quarterly report 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**, Soldotna

**Steve Beilgard**

**Steve Grimmel**, Soldotna

**James Price**, Anchor Point  
**Dennis Douglas**  
**Darrell Miller**  
**Queen Parker**  
**Scott Ager**

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

## **PUBLIC HEARINGS ON ORDINANCES**

### [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.]

Chesley moved to enact Ordinance 2022-46.

President Johnson called for public comment.

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

**Lenora Niesen**, Nikiski  
**Heidi Covey**, Nikiski  
**Kelly Brewer**, Nikiski  
**Jason Ross**, Nikiski

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

Assembly Member Ecklund spoke in support of Ordinance 2022-46.

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

Assembly Members Ribbens and Derkevorkian spoke in opposition to Ordinance 2022-46.

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

**Yes:** 4 - Ecklund, Tupper, Johnson, and Cox

**No:** 4 - Derkevorkian, Elam, Chesley, and Ribbens

**Absent:** 1 - Hibbert

*[Clerk's Note: Assembly Member Ecklund gave notice of reconsideration of*

*Ordinance 2022-46.]*

[2023-01](#)

An Ordinance Amending KPB 2.04.060 to Increase the Mayor's Salary to \$130,000 and to Provide for an Inflation Adjustment Every Three Years (Mayor, Cox) (Hearing on 02/07/23)

Chesley moved to enact Ordinance 2023-01.

President Johnson called for public comment.

**Lindsey Bertola** spoke in support of Ordinance 2023-01 overall, but was in opposition to the inflation increase.

**Joan Corr**, Soldotna spoke in opposition to Ordinance 2023-01.

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

**Derkevorkian** moved to amend Ordinance 2023-01 as follows:

Section 1 paragraph 2 to read, "The mayor's salary [MAY BE ADJUSTED AT THE END OF EACH TERM OF OFFICE THROUGH THE BUDGETING PROCESS PRECEDING THE MAYORAL ELECTION] will be evaluated and may be adjusted at the end of each term of office by the borough assembly."

**The motion to amend Ordinance 2023-01 carried by the following vote:**

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

**Absent:** 1 - Hibbert

**The motion to enact Ordinance 2023-01 as amended carried by the following vote:**

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

**Absent:** 1 - Hibbert

## MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4897](#) Mayor's Report Cover Memo

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

**a.** [KPB-4898](#) Authorization to Award a Contract for Professional Design Services for South Peninsula Hospital Nuclear Medicine, Infusion and Pharmacy

- b. [KPB-4899](#) Authorization to Award a Contract for ITB23-022 North Peninsula Recreation Service Area Trails Lighting
  - c. [KPB-4900](#) Authorization to Award a Contract for RFP23-010 Japanese Alluvial Fan Flood Hazard Analyses
  - d. [KPB-4901](#) Authorization to Award a Contract for ITB23-029 CPL Overhead Door Replacement 2022
3. Other
- a. [KPB-4902](#) City of Homer Local Hazards Mitigation Plan 2022 Update
  - b. [KPB-4903](#) Tax Adjustment Request Approval
  - c. [KPB-4904](#) Budget Revisions - December 2022
  - d. [KPB-4905](#) Revenue-Expenditure Report - December 2022
  - e. [KPB-4906](#) Investment Report Quarter Ended 12/31/22

### **PUBLIC COMMENTS AND PUBLIC PRESENTATIONS**

President Johnson called for public comment.

**David Haeg**, Soldotna addressed the Assembly regarding grand jury investigations.

**Lindsey Bertola** addressed the Assembly regarding internet connections in her area of the borough, grand jury investigation and the carbon footprint movement.

**Joan Corr**, Soldotna addressed the Assembly regarding grand jury investigations.

**Scott Ager**, addressed the assembly regarding 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 attending, providing public testimony and being part of the process. He encouraged others to attend the assembly meetings and provide testimony. Mr. Elam stated the assembly got a slow start on the amendments to Ordinance 2022-36 during the subcommittee meeting, stating that the words used in an ordinance matter. He proposed moving future subcommittee meetings to a later time on the meeting schedule. He wished everyone a good evening.

Assembly Member Tupper echoed Mr. Elam's comments regarding the subcommittee meeting, stating he fully supported moving the subcommittee meeting time later on the meeting schedule. He thanked everyone's participation.

Assembly Member Ribbens thanked everyone for attending. He reminded everyone to vote on February 14, 2023 and to drive carefully.

Assembly Member Chesley discussed his concerns regarding the closure of the hospital in Juneau. He encouraged everyone to keep Central Peninsula and South Peninsula hospitals in our sights to help maintain their economic sustainability as they are huge contributors to the health and welfare of our communities. Mr. Chesley shared that he and his wife were leaving on vacation to celebrate their 40th wedding anniversary.

Assembly Member Ecklund reminded everyone to vote on February 14, 2023.

Assembly Vice President Cox extended his condolences to the McLane family for their loss of Sam McLane. He congratulated the Soldotna High Hockey team for their Division II state championship win in Fairbanks, stating it was the first time in the school's history that they won that title. He wished the team well in the upcoming Division I tournament in Wasilla. Mr. Cox encouraged the assembly members to consider attending the AML Conference in Juneau. He reminded everyone of the Ninilchik Fairgrounds fundraiser, "Celebrity Waiter Event", on March 4, 2023.

President Johnson offered his condolences to the McLane family for their loss of Sam McLane and shared some fond memories of the McLane family. He stated that the Ninilchik Senior Center has expressed a need to expand their kitchen as they were serving more meals than ever before. Mr. Johnson shared that he attended the function for addiction prevention and rehab at the Quality Inn in Kenai. He stated as President he was attending the AML Conference in Juneau. He shared the differences between the structure of parishes, boroughs and counties across the United States. He reminded everyone to vote on February 14, 2023.

## **ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

### 1. February 21, 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 21, 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 9:24 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of February 7, 2023.

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Michele Turner, CMC, Acting Borough Clerk

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