



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes - Final

Assembly

Brent Johnson, President

Brent Hibbert, Vice President

Jesse Bjorkman

Lane Chesley

Tyson Cox

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Mike Tupper

Tuesday, September 6, 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 Michele Hartline.]

ROLL CALL

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

Also present were:

Charlie Pierce, Borough Mayor
Aaron Rhoades, Chief of Staff
Sean Kelley, Borough Attorney
Brandi Harbaugh, Finance Director
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Borough Clerk

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

APPROVAL OF AGENDA AND CONSENT AGENDA

Hibbert moved to approve the agenda and consent agenda.

Copies have been made available to the public, Borough Clerk Johni Blankenship noted by title only the resolutions and ordinances on the consent agenda.

[KPB-4557](#) August 23, 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:

[2022-19-09](#) An Ordinance Accepting and Appropriating the Emergency Responder Integration of Technology to Enhance Substance Use Disorder Treatment Linkage to Care Grant Funds in the Amount of \$15,000 (Mayor)

This Budget Ordinance was enacted.

[2022-19-10](#) An Ordinance Appropriating \$12,517.00 to Purchase an EM2 Stream Table to Expand Watershed Education and Outreach at the Donald E. Gilman River Center (Mayor)

This Budget Ordinance was enacted.

[2022-19-11](#) An Ordinance Appropriating \$5,317.28 in Surety Bonds Claimed from a Contractor to Fund Incomplete Culvert Repairs on Taurus Court (Mayor)

[Clerk's Note: Section 1 of Ordinance 2022-19-11 was amended to read, "Claimed surety bond funds in the amount of \$5,317.28 are appropriated to account [434.33960.W6TAU.49999] 236.33950.43952 to provide for completion of the culvert work and associated costs on Taurus Court." and Section 3 was amended to read, "That this ordinance shall be retroactively effective [IMMEDIATELY UPON ENACTMENT] on August 1, 2022."]

This Budget Ordinance was enacted as amended.

[2022-19-12](#) An Ordinance Accepting and Appropriating the Commercial Passenger Vessel Tax Proceeds Received from the State of Alaska Under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in

the Amount of \$612,640 and Allocating \$577,195 to the City of Seward and \$35,445 to the City of Homer (Mayor)

This Budget Ordinance was enacted.

[2022-19-13](#) An Ordinance Accepting and Appropriating Congressionally Directed Spending Grant Funds from the Environmental Protection Agency, Appropriating the Required Twenty Percent Match Funds from the General Fund, and Re-Allocating State and Local Fiscal Recovery Funds from the Solid Waste Department to School Pay-Go and Cybersecurity Projects (Mayor)

This Budget Ordinance was enacted.

[2022-37](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed after March 31 and Providing an Exception to KPB 5.12.040(B) (Mayor)

This Ordinance was enacted.

[2022-39](#) An Ordinance of Assessment Confirming the Assessment Roll for the Lookout Drive Utility Special Assessment District and Establishing the Method for Terminating Assessments and Making Refunds to Property Owners (Mayor)

This Ordinance was enacted.

[2022-38](#) An Ordinance Authorizing the Release of a Portion of a Conservation Easement Deed Restriction on a Parcel of Land Located in Cooper Landing and to Acquire and Classify a 30-Foot-Wide Tract of Land (Mayor)

This Ordinance was enacted.

New Business

[2022-049](#) A Resolution Authorizing the Kenai Peninsula Borough, as the Lead Agency in Partnership with the Cities within the Kenai Peninsula Borough, to Apply for the Safe Streets and Roads for All Assistance Grant through the Office of the Secretary of Transportation, U.S. Department of Transportation in the Amount of \$1,200,000 (Mayor)

This Resolution was adopted.

[2022-19-15](#) An Ordinance Accepting Grant Funds from the State of Alaska Division of Homeland Security & Emergency Management and the Federal Emergency Management Agency to Reimburse Costs Associated with

Disaster Recovery Efforts Related to the Lowell Point Road Landslide (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[2022-19-16](#) An Ordinance Appropriating Funds from the Bear Creek Fire Service Area Operating Fund Balance for the Cost of Repairs to A Rescue Pumper (Mayor)

This Budget Ordinance was introduced and set for public hearing.

[KPB-4553](#) Petition to Vacate Joe Luy Court and Bismarck Court KPB File 2022-117V

[Clerk's Note: At its regularly scheduled meeting of August 22, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

approved.

*b. [KPB-4565](#) Accepting Mayor Charlie Pierce's Resignation and Declaring the Office of the Borough Mayor Vacant

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

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Tricia Waggoner, Ninilchik asked the assembly for help to mitigate Hilcorp operations in Ninilchik.

Tim Dillion, Kenai Peninsula Economic Development District provided the assembly with an update regarding the broadband task force and also provided information regarding a mariculture federal grant.

The following people thanked Mayor Charlie Pierce for his service to the Kenai Peninsula Borough:

Norm Blakeley, Sterling

Joan Corr, Soldotna

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

PUBLIC HEARINGS ON ORDINANCES

[2022-19-14](#) An Ordinance Appropriating \$225,000 from the Land Trust Fund for Slope and Drainage Repairs in Cooper Landing and Authorizing the Disposal of up to 1.25-Acres of Land to Bunkhouse Properties, LLC (Mayor)

Cox moved to enact Ordinance 2022-19-14.

President Johnson called for public comment.

Bruce Neeno, Bunkhouse Properties spoke in support of Ordinance 2022-19-14.

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

Cox moved to amend Ordinance 2022-19-14 as follows:

Delete the final Whereas clause, [THE KPB PLANNING COMMISSION, AT ITS REGULAR MEETING OF SEPTEMBER 5, 2022 RECOMMENDED _____;]

The motion to amend Ordinance 2022-19-14 carried by the following vote:

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

Assembly Vice President Hibbert spoke in opposition to Ordinance 2022-19-14.

The motion to enact Ordinance 2022-19-14 as amended failed by the following vote:

No: 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) (Second Hearing on 10/25/22) (Referred to Lands Committee)

Elaim moved to enact Ordinance 2022-36.

President Johnson called for public comment.

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

RC Cline, Anchor Point

Hans Bilben, Anchor Point

Mike Patrick, Anchor Point
Gary Sheridan, Anchor Point
Eileen Sheridan, Anchor Point
Anne Cline, Anchor Point
Ed Martin III, Kenai Peninsula Aggregate and Contractors Association President
Steve Foster
Trisha Waggoner
Mike Ross
Jeff Mayhan
Kyle Foster
Sean Cude

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

Chesley moved to postpone Ordinance 2022-36 to October 25, 2022.

The motion to postpone Ordinance 2022-36 to October 25, 2022 carried by the following vote:

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

[2022-32](#)

An Ordinance Amending Borough Code to Remove Requirements for Newspaper Publication of Delinquent Sales Tax Lists and Public Posting of Certificates of Registration Lists and Providing Instead for Publication of Such Information on the Borough Website (Mayor, Cox, Hibbert)

Chesley moved to enact Ordinance 2022-32.

President Johnson called for public comment.

Ashlyn O'Hara spoke in opposition to Ordinance 2022-32.

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

President Johnson passed the gavel to Vice President Hibbert and spoke in support of Ordinance 2022-32. Vice President Hibbert returned the gavel to President Johnson.

The motion to enact Ordinance 2022-32 carried by the following vote:

Yes: 5 - Cox, Hibbert, Derkevorkian, Chesley, and Tupper

No: 4 - Bjorkman, Johnson, Elam, and Ecklund

[2022-35](#)

An Ordinance Amending KPB 14.31, Special Assessments – Road Improvements, to Adjust Applicable Deadlines Regarding Application

and Review of a Road Improvement Assessment District (Mayor)

Chesley moved to enact Ordinance 2022-35.

President Johnson called for public comment with none being offered.

The motion to enact Ordinance 2022-35 carried by the following vote:

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

NEW BUSINESS

Other

[KPB-4579](#) Confirming the appointment of Mike Navarre to the position of Borough Mayor. Mr. Navarre's appointment is effective October 1, 2022 through certification of a special election to fill the position and up until the elected candidate is sworn in and takes office.

[Clerk's Note: Executive Session may be held.]

Cox moved to approve the confirmation of Mike Navarre to the position of borough mayor.

President Johnson called for public comment with none being offered.

Assembly Members Cox, Ecklund and Bjorkman spoke in support of the motion.

Assembly Members Elam and Derkevorkian spoke in opposition to the motion.

Hibbert moved to call the question.

The motion to call the question failed by the following vote:

Yes: 3 - Cox, Hibbert, and Ecklund

No: 6 - Bjorkman, Johnson, Derkevorkian, Elam, Chesley, and Tupper

Elam moved to postpone the confirmation of Mike Navarre to September 20, 2022.

The motion to postpone the confirmation of Mike Navarre failed by the following vote:

Yes: 2 - Derkevorkian, and Elam

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

The motion to approve the confirmation of Mike Navarre carried by the following vote:

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

No: 2 - Derkevorkian, and Elam

MAYOR'S REPORT

1. Assembly Requests/Responses - None.

2. Agreements and Contracts

- a. [KPB-4560](#) Alaska Land Mobile Radio Communications Systems Agreement

3. Other

- a. [KPB-4561](#) Budget Revisions - July 2022
- b. [KPB-4562](#) Revenue-Expenditure Report - July 2022

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

The following people spoke in support of the appointment of Mike Navarre to the position of borough mayor:

Lisa McDonald
Peggy Erkeneff

The following people spoke in opposition to the appointment of Mike Navarre to the position of borough mayor:

Lindsay Schez
Cindy Roque

The following people thanked Mayor Charlie Pierce for his service to the Kenai Peninsula Borough.

Robert Wall
Kathy Sturman

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

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for their participation. He stated he looked forward to working with Mike Navarre. He asked Mr. Navarre not to take any of his comment personally; he was merely speaking to the process. Mr. Elam thanked Mayor Charlie Pierce, stating it was a pleasure to work with him. He also thanked Aaron Rhoades for his service.

Assembly Member Cox thanked everyone for their participation. He asked for everyone's patience this year as we work through the positions for borough mayor. Mr. Cox shared that Soldotna High School held a tail gate get-together for the community after the homecoming football game, stating he hoped it continued so everyone had an opportunity to attend the next one. Mr. Cox requested a status update from staff regarding the \$25,000 appropriated to distribute information regarding KPB Proposition 2, Educational Capital Improvement General Obligation Bonds.

Assembly Member Tupper thanked everyone for their participation regarding Ordinance 2022-36. He stated the Assembly received great feedback and encouraged everyone to not give up hope on the matter. He stated he felt very strongly that everyone had the same desire to reach an end result that was good for everyone.

Assembly Member Derkevorkian thanked everyone for their participation, stating it was important for everyone to be part of the public process. He thanked Mayor Charlie Pierce for his service to the Kenai Peninsula Borough.

Assembly Member Bjorkman thanked everyone for their participation and wished everyone a safe trip home.

Assembly Member Chesley thanked Aaron Rhoades for all his work. Mr. Chesley stated in regards to Ordinance 2022-36, it was similar to building a car, it was a process and more parts and work were forthcoming. He stated the end goal was to look-out for the health, safety, and welfare of the residents of the borough.

Assembly Member Ecklund thanked the administration and staff for giving the Assembly good products to work from. She thanked everyone for attending and providing their testimony. She encouraged everyone to stay engaged regarding Ordinance 2022-36 as it was a draft and the Assembly still needed input.

Assembly Vice President Hibbert thanked everyone for attending. He stated the Assembly received great feedback regarding Ordinance 2022-36. Mr. Hibbert thanked Mayor Charlie Pierce and Aaron Rhoades for their service.

President Johnson shared his telephone discussions regarding the appointment of an interim mayor. He expressed his condolences for the loss of Kenneth Tarbox. Mr. Johnson stated he appreciated everyone who testified regarding Ordinance 2022-36. He thanked Mayor Charlie Pierce and Aaron Rhoades for their service to the Kenai Peninsula Borough.

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 10:11 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of September 6, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____