



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Minutes - Final Assembly

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Tuesday, November 15, 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: The invocation was given by Dr. Edward Goans.]

### ROLL CALL

**Present:** 6 - Brent Hibbert, Richard Derkevorkian, Bill Elam, Lane Chesley, Cindy Ecklund, and Mike Tupper

Also present were:

Max Best, Chief of Staff

Sean Kelley, Borough Attorney

Brandi Harbaugh, Finance Director

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

### COMMITTEE REPORTS

### APPROVAL OF 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-4705](#) October 25, 2022 Regular Assembly Meeting Minutes  
approved.

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

[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 enacted.**

New Business

[2022-056](#) A Resolution Authorizing the Acquisition by Donation of Three Lots of Land Located in the Seward Area on Behalf of the Seward Bear Creek Flood Service Area (Mayor)

**This Resolution was adopted.**

[2022-058](#) A Resolution Supporting the Transportation Priorities to be Considered for Grant Funding for Submission to the State of Alaska Department of Transportation and Public Facilities (Mayor)

*[Clerk's Note: Assembly Member Hibbert declared a conflict of interest as he is the owner of Alaska Cab Company which provides transportation for ILC grant recipient. Mr. Hibbert abstained from the discussion and vote on Resolution 2022-058.]*

**This Resolution was adopted.**

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

**Abstain:** 1 - Hibbert

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

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

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

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[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 introduced and set for public hearing.**

[KPB-4716](#) Confirming Appointments to Service Area Boards (Mayor)

East Peninsula Highway Emergency Service Board  
Sean P. Carrington, Seat C, Term Expires 10/2025

Kachemak Emergency Service Area Board  
Ralph Crane, Seat E, Term Expires 10/2025

Seldovia Recreational Service Area Board  
Karen R. Latimer, Seat A, Term Expires 10/2025

approved.

[KPB-4719](#) Confirming an Appointment to the Resilience and Security Advisory Commission (Mayor)

Central Peninsula Seat  
Jeremy Spring Flynn, Term Expires 09/30/2025

approved.

[KPB-4717](#) Approval of the 2023 Assembly Meeting Schedule (Johnson)  
approved.

[KPB-4747](#) Confirming Appointments to the Kenai Peninsula Borough Advisory  
Planning Commission (Mayor)

Anchor Point Advisory Planning Commission  
Angela Roland, Seat G, Term Expires 09/30/2024

Funny River Advisory Planning Commission  
Michael Masters, Seat G, Term Expires 09/30/2025

Nikiski Advisory Planning Commission  
Tom Coursen, Seat A, Term Expires 09/30/2023  
Patricia Williams, Seat B, Term Expires 09/30/2023  
Karen S. McGahan, Seat C, Term Expires 09/30/2024  
Lenora Niesen, Seat D, Term Expires 09/30/2024  
Kelly Brewer, Seat E, Term Expires 09/30/2025  
Michael A. Peek, Seat F, Term Expires 09/30/2025  
Jason Ross, Seat G, Term Expires 09/30/2025  
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 - Hibbert, Derkevorkian, Elam, Chesley, Ecklund, Tupper, Cox, Johnson, and Bjorkman

## COMMENDING RESOLUTIONS AND PROCLAMATIONS

[KPB-4713](#) Mayor's Proclamation Declaring November 22, 2022 as "Family  
Caregiver" Month

*[Clerk's Note: Chief of Staff Max Best read the proclamation.]*

## PRESENTATIONS WITH PRIOR NOTICE

[KPB-4714](#) North Road Task Force Presentation: Dil Uhlin, Roads Director (10  
minutes)

*[Clerk's Note: Dil Uhlin, Roads Director gave the presentation to the  
Assembly.]*

[KPB-4715](#) Homer Trail Alliance: Billy Day and Peggy Paver (10 minutes)

*[Clerk's Note: Debbie Oudiz, Homer Trail Alliance Board Member gave the presentation 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**

**Linn Whitmore**, Anchor Point

**Jacob Argueta**, Homer

**Coowe Walker**, Homer addressed the assembly regarding ground water and the salmon habitat.

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

## **PUBLIC HEARINGS ON ORDINANCES**

[2022-42](#) An Ordinance Approving the 2023 Asset Allocation for the Land Trust Investment Fund Investments and Amending KPB Code 5.10.200(B) to Update and Add New Subsections Under Authorized Investments (Mayor) (Hearing on 11/15/22)

**Hibbert moved to enact Ordinance 2022-42.**

President Johnson called for public comment with none being offered.

**The motion to enact Ordinance 2022-43 carried by the following vote:**

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

## **NEW BUSINESS**

### 1. Resolutions

[2022-057](#) A Resolution Supporting Privately Owned Boat Take-Outs on the Lower Kasilof River (Johnson)

**Ecklund moved to adopt Resolution 2022-057.**

President Johnson called for public comment.

The following people addressed the assembly regarding Resolution 2022-057:

**Steve Miedzwiadok**, Williamson Way  
**Reubin Payne**  
**Thomas Burck**  
**Carol Roush**  
**Monte Roberts**  
**Rick Vann**  
**Connie Vann**  
**Ben Eveland**, Kasilof  
**Jason Ross**, Nikiski  
**Liz Burck**  
**David Martin**, Clam Gulch  
**Mark Rowley**  
**Jane Eveland**  
**Dyer Vandevere**  
**Dan Smith**, Tori Way  
**Ian McDonald**  
**John Hedges**, Soldotna  
**Joan Corr**  
**Matt Bowser**

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

Assembly Member Chesley spoke in support of Resolution 2022-057.

President Johnson passed the gavel to Vice President Cox and spoke in support of Resolution 2022-057. Vice President Cox returned the gavel to President Johnson.

Assembly Member Bjorkman, Elam, Hibbert and Cox spoke in opposition to Resolution 2022-057.

**The motion to adopt Resolution 2022-057 failed by the following vote:**

**Yes:** 3 - Derkevorkian, Chesley, and Johnson

**No:** 6 - Hibbert, Elam, Ecklund, Tupper, Cox, and Bjorkman

## **MAYOR'S REPORT**

1. Assembly Requests/Responses - None.
2. Agreements and Contracts
  - a. [KPB-4749](#) Funny River Fire Station Compressor
  - b. [KPB-4750](#) Change Order for Hope Site Environmental Clean Up

- c. [KPB-4751](#) Nikiski High School lockers, Co-op Purchase Authorization
  - d. [KPB-4752](#) Purchase of a Type 1 Ambulance for Kachemak Emergency Service Area: Under the Houston Galveston Area Council (H-GAC) Cooperative Purchasing
  - e. [KPB-4753](#) Northern Support Services “Carehawk” Sole Source Waiver
  - f. [KPB-4754](#) KPB Cyber Security Operations Center Contract Under NASPO Contract #NVP-2018-CLOUD-0002
  - g. [KPB-4755](#) Totem Equipment and Supply SANY215 Sole Source Waiver
  - h. [KPB-4756](#) Authorization to Award a Contract for ITB23-013 Kenai, Nikiski, Sterling Transfer Facilities Operation and Maintenance 2023
  - i. [KPB-4757](#) Authorization to Award a Contract for ITB23-012 Seward Transfer Facilities Operations and Maintenance 2023
  - j. [KPB-4758](#) Transfer Additional Road Funds to Sport Lake, Hakala, Cotman Dr.
3. Other
- a. [KPB-4759](#) Kachemak City All Hazards Mitigation Plan 2022 Update

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

President Johnson called for public comment.

**Ed Martin, Jr.** addressed the assembly regarding suspending the rules, fulfilling public records requests and grand jury investigations.

The following people addressed the assembly regarding grand jury investigations:

**Waynette Coleman**  
**Queen Parker**, Sterling  
**Garret Dennis**  
**David Haeg**  
**Joan Corr**  
**Holly Sheldon**, Talkeetna

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 public comments. He thanked Senator Micciche and Councilwoman Hutchings for attending. Mr. Elam thanked Clerk Blankenship for her service at the borough, stating it was great to work with her. He congratulated Mr. Bjorkman on his potential win for the Alaska Senate seat.

Assembly Member Hibbert thanked everyone for attending. He stated Clerk Blankenship and Deputy Clerk Turner rock, stating they are the ones who keep the borough running and if they went away, we would not get anything done. He wished everyone a good evening.

Assembly Member Bjorkman thanked everyone for attending and participating in the public process. He thanked all the election officials for working the general election on November 8, 2022. Mr. Bjorkman stated election results were uploaded a lot faster for the state election as the state uploaded results by cellular transmission. He encouraged the assembly to take a closer look at that matter to help borough elections run more smoothly, stating he would definitely support that effort. He wished everyone a good evening and safe travels.

Assembly Member Chesley thanked everyone for participating in the long meeting day. He thanked the clerks and the Clerk's Office staff for their hard work. He stated transitions always bring exciting times and we were looking forward to some exciting times ahead.

Assembly Member Ecklund congratulated Seward Girls Cross Country champions; Seward Boys Swim team region champions; Homer Boys small schools football champions and the Kenai Girls are the volleyball state champions. She thanked the public for attending and the staff for all their hard work. Ms. Ecklund wished everyone a good evening.

Vice President Cox reminded everyone of Soldotna Chamber "Shark Tank" event at Lone Moose Lodge on Friday, November 18, 2022. He stated Clerk Blankenship will be missed. Mr. Cox wished everyone a good evening.

President Johnson read a letter he received from the Kasilof precinct chair regarding the special election, requesting the Kasilof precinct be by-mail. He stated he understood this was a sensitive matter and that was why he was mentioning it now. Mr. Johnson stated he was very excited about Jesse Bjorkman's senate race. He thanked Clerk Blankenship for her service and stated he would help Deputy Clerk Turner out as best as he could during this transition.



**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

1. December 13, 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. December 13, 2022 Regular Assembly Meeting  
Time 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 10:28 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of November 15, 2022.

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Johni Blankenship, MMC, Borough Clerk

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