

KENAI CITY COUNCIL – REGULAR MEETING
June 1, 2022 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on June 1, 2022, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor	James Baisden
Teea Winger	Deborah Sounart
Glenese Pettey	Jim Glendening, Vice Mayor
Henry Knackstedt	

A quorum was present.

Also in attendance were:

**Silas Thibodeau, Student Representative
Paul Ostrander, City Manager
Scott Bloom, City Attorney
Terry Eubanks, Finance Director
Tony Prior, Fire Chief
Dave Ross, Police Chief
Scott Curtin, Public Works Director
Kathy Romain, Senior Services Director
Brad Walker, Parks and Recreation Director
Eland Conway, Airport Manager
Randi Broyles, Assistant to City Manager
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

Add item D.1. **Public Hearing – Ordinance No. 3289-2022**
 • Amendment Memo

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions; requested to suspend the rules to hear Unfinished Business, Ordinance 3287-2022 prior to Public Hearings; and requested **UNANIMOUS CONSENT**. Council Member Baisden **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Council Member Knackstedt **MOVED** to approve the consent agenda. Council Member Baisden **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Mayor Gabriel opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS – None.

C. UNSCHEDULED PUBLIC COMMENTS – None.

[Clerk's Note: At the setting of the Agenda, the motion to suspend the rules to hear Unfinished Business, Ordinance 3287-2022 prior to Public Hearings was approved by unanimous consent.]

F. UNFINISHED BUSINESS

- 1. Ordinance No. 3287-2022** – Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 04701018) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. (Mayor Gabriel and Council Member Baisden)

[Clerk's Note: The motion to enact was on the floor from the May 18, 2022 Regular City Council Meeting.]

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

There was discussion regarding potential buyers for the property; fair process for all interested parties when donating City owned property; donating property without knowledge of the property value; concerns raised by neighboring property owners related to a buffer/green strip area; the sudden interest in this particular piece of property; and the conditions that must be met by the Boys and Girls Club with the donation of the property.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance 3287-2022 by inserting a new Whereas Clause to read, "the Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on May 25, 2022; and,". Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE: There being no objection; **SO ORDERED.**

VOTE ON MAIN MOTION AS AMENDED:

YEA: Knackstedt, Gabriel, Baisden, Sounart, Pettey

NAY: Winger, Glendening

**Student Representative Thibodeau: YEA

MAIN MOTION AS AMENDED PASSED.

D. PUBLIC HEARINGS

1. **Ordinance No. 3289-2022** – Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2022 and Ending June 30, 2023 and Committing \$3,986,107 of General Fund, Fund Balance for Future Capital Improvements. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3289-2022. Council Member Baisden **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance 3289-2022, to reduce General Fund expenditures by \$50,000 because of additional funding pledged by the Kenai Senior Connection, Inc. for Senior Center operations in FY2023. Council Member Pettet **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Council Member Baisden **MOVED** to amend Ordinance 3289-2022, to provide funding to increase the Accountant position in the Finance Department to a Controller position by increasing General Fund expenditures by \$18,436. Council Member Winger **SECONDED** the motion.

Clarification was provided that if approved the job description would be updated through a resolution and the position would be directly under the Finance Director.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Council Member Winger **MOVED** to amend Ordinance 3289-2022, to add one additional operator position by increasing expenditures by \$109,786, decreasing Personal Use Fisheries Special Revenue Fund Expenditures by \$441, and increasing Employee Health Care Internal Service Fund expenditures by \$42,840. Council Member Glendening **SECONDED** the motion.

There was discussion regarding one operator position being removed in FY2022, this amendment would reestablish that one operator position; the number of calls received due to the challenges for vehicles during the last winters weather conditions; the benefits of adding the position back with the additional new truck; inclusion of additional overtime funding allowing staff time for severe weather conditions; and the ability to add the position back in FY2024 if another winter like the last one happens in 2023.

VOTE ON MOTION TO AMEND:

YEA: Glendening, Winger

NAY: Knackstedt, Gabriel, Baisden, Sounart, Pettet

**Student Representative Thibodeau: NAY

MOTION TO AMEND FAILED TO PASS.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance 3289-2022, Section 3 to replace \$3,986,107 with \$4,032,601 as a result of the prior amendments; and amend Section 2, to update the Total of All funds to \$36,075,427. Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE: There being no objection; **SO ORDERED.**

There was clarification provided on each revision to the Classification Plan included within the FY2023 Budget; and discussion related to the salary schedule and how the employees of the Council were identified within it.

VOTE MAIN MOTION AS AMENDED:

YEA: Gabriel, Glendening, Baisden, Sounart, Pettey, Winger, Knackstedt

NAY: None

**Student Representative Thibodeau: YEA

MAIN MOTION AS AMENDED PASSED.

MOTION TO SUSPEND THE RULES:

Council Member Glendening **MOVED** to suspend the rules to conduct the public hearing on Resolution No. 2022-45 prior to the public hearing on Ordinance No. 3290-2022. Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to suspend the rules.

VOTE: There being no objection; **SO ORDERED.**

- 14. Resolution No. 2022-45** – Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns.
(Council Members Sounart and Pettey)

MOTION:

Council Member Pettey **MOVED** to adopt Resolution No. 2022-45. Council Member Sounart **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Queen Parker and Sybil Currey read sections of the State of Alaska Constitution and Statutes, emphasizing the importance of protecting the existing laws and the authority of grand juries as well as the need for new laws ensuring the grand juries have the right to conduct investigations.

There being no one else wishing to be heard, the public comment period was closed.

There was discussion regarding the importance not only judging the crime, but also judging the laws; supporting laws to ensure the rights of our grand juries; the importance of the grand jury as it is the judicial arm closest to the people and should be accessible to the people; and the resolution would encourage the State and Federal governments to review the laws.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

- 2. Ordinance No. 3290-2022** – Authorizing the Return of Funds Remaining from Completed or Canceled Capital Projects to the General, Airport Special Revenue and Water and Sewer Special Revenue Funds. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3290-2022. Council Member Baisden **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

It was reported that this would take Capital Project Funds that are no longer needed for projects that were complete and return them to the originating fund.

VOTE:

YEA: Glendening, Baisden, Sounart, Pettey, Winger, Knackstedt, Gabriel

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

- 3. Ordinance No. 3291-2022** – Accepting and Appropriating Private Donations to the Kenai Community Library for the Purchase of Programming Equipment and Library Materials. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3291-2022. Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

It was reported that this would appropriate donated funds.

VOTE:

YEA: Baisden, Sounart, Pettey, Winger, Knackstedt, Gabriel, Glendening

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

- 4. Ordinance No. 3292-2022** – Increasing Estimated Revenues and Appropriations in the General Fund and Public Safety Capital Project Fund to Provide Supplemental Funding for the Fire Department Flooring Replacement Project. (Administration)

MOTION:

Council Member Baisden **MOVED** to enact Ordinance No. 3292-2022. Council Member Winger **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

It was reported that this would replace existing carpet in the living area with tile and also included asbestos abatement.

VOTE:

YEA: Sounart, Pettey, Winger, Knackstedt, Gabriel, Glendening, Baisden

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

- 5. Ordinance No. 3293-2022** – Amending the Appendices to the Kenai Municipal Code to Delete Cemetery Regulations, Amending Title 24-Municipal Cemetery, to Include Certain Portions of the Appended Cemetery Regulations and Make Other Housekeeping Changes and Adopting a Kenai Municipal Cemetery Regulations Policy. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3293-2022. Council Member Sounart **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

MOTION TO POSTPONE:

Council Member Winger **MOVED** to postpone Ordinance No. 3293-2022 to June 15, 2022. Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to postpone.

VOTE: There being no objection; **SO ORDERED**.

[Clerk's Note: Student Representative Thibodeau left the meeting at 8:20 p.m.]

- 6. Resolution No. 2022-37** – Removing the Moratorium on the Purchase of Standard Cemetery Plots for the Sole Purpose of Reserving a Cemetery Plot Not Being Used for Immediate Internment. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-37. Council Member Winger **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

MOTION TO POSTPONE:

Council Member Winger **MOVED** to postpone Resolution No. 2022-37 to June 15, 2022. Council Member Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to postpone.

VOTE: There being no objection; **SO ORDERED**.

- 7. Resolution No. 2022-38** – Fixing the Rate of Levy of Property Tax for the Fiscal Year Commencing July 1, 2022 and Ending June 30, 2023. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-38. Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

MOTION TO AMEND:

Council Member Baisden **MOVED** to amend Resolution No. 2022-38 by changing the mill rate from 4.35 mills to 4.25 mills throughout the resolution. Council Member Winger **SECONDED** the motion.

There was discussion regarding the benefits to the tax payers with a .10 mill reduction; the current rate of inflation; how a reduction would impact the fund balance policy; and the possibility of lowering the mill in FY2023.

VOTE:

YEA: Winger, Baisden

NAY: Pettey, Knackstedt, Gabriel, Glendening, Sounart

MOTION PASSED.

8. **Resolution No. 2022-39** – Amending the Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes Included in the FY2023 Budget to Include Adjusting Airport Fees, Animal Control Fees, Fire Department Ambulance Fees, Library Fees, Parks and Recreation Fees, City Dock Fees, Water Fees, Sewer Fees, Senior Center Fees, and Adjusting the Monthly Rental Rates at Vintage Pointe. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-39. Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

9. **Resolution No. 2022-40** – Approving the Divestment of the City's Interest in the Deeded Thirty-Foot Public Use Easement Lying Along the North Boundary Of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian, Alaska, and Determining The Easement Is Not Needed For A Public Purpose. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-40. Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

It was reported that the public easement was no longer needed for the Dipnet Fishery.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

10. **Resolution No. 2022-41** – Authorizing Renewal of the City's Insurance Coverage with Alaska Municipal League Joint Insurance Association for July 1, 2022 Through June 30, 2023. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-41. Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

It was reported that if the increase to the amount was more than ten-percent the City could opt out; however, the increase was less than ten-percent.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

11. Resolution No. 2022-42 – Authorizing Contracts for Employee Health Care and Other Benefits Effective July 1, 2022. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-42. Council Member Baisden **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

There was discussion regarding health care rates; renewal for employee coverage came in at a four-percent increase, which was significant; however, one of the better years.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

12. Resolution No. 2022-43 – Authorizing the City Manager to Enter into a Memorandum of Agreement with the State of Alaska Department of Natural Resources, Division of Forestry to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-43. Council Member Glendening **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

There was discussion regarding the importance of private property owners making sure their property was fire wise; the site opening date of June 2, 2022; if the rounds would be available for members of the public to use for heating; additional funding for the site from the State and Kenai Peninsula Borough due to the use by non-City residents; and planned mitigation on City owned lands.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

13. Resolution No. 2022-44 – Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Swanson Properties, LLC on Lot 6, Block 5, General Aviation Subdivision No. 1 Amended. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-44. Council Member Baisden **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

E. MINUTES

1. *Budget Work Session of May 14, 2022. (City Clerk)

G. NEW BUSINESS

1. *Action/Approval – Bills to be Ratified. (Administration)

Approved by the consent agenda.

2. *Ordinance No. 3294-2022 – Accepting and Appropriating Funding from the State of Alaska Department of Natural Resources, Division of Forestry, to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)

Introduced by the consent agenda and Public Hearing set for June 15, 2022.

3. Action/Approval – Executing an Amendment to the Facility Management Agreement with Kenai Chamber of Commerce and Visitor Center, Inc. to Extend the Current Agreement to June 30, 2023. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the Amendment to the Facility Management Agreement with Kenai Chamber of Commerce. Council Member Winger **SECONDED** the motion.

It was reported that this is the first extension and the agreement allows for two.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

4. Action/Approval – Approving Official Bond Amounts for City Manager, City Clerk and Finance Director. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the Official Bonding Amounts. Council Member Glendening **SECONDED** the motion.

It was reported that Kenai Municipal Charter requires that the City Council establish bonding amounts for the three positions; the City's general liability provides \$500,000; with approval the combined coverage overall would be \$600,000.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

5. Discussion – Scheduling a Board of Adjustment Appeal Hearing. (City Clerk)

A Board of Adjustment Appeal Hearing was scheduled for June 20, 2022 at 7:00 p.m.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report; next meeting June 9, 2022.

2. Airport Commission

No report; next meeting June 9, 2022.

3. Harbor Commission

No report; next meeting June 6, 2022.

4. Parks and Recreation Commission

No report; next meeting June 2, 2022.

5. Planning and Zoning Commission

Vice Mayor Glendening reported on the May 25, 2022 meeting; next meeting June 8, 2022.

6. Beautification Committee

Council Member Sounart reported on the May 19, 2022 special meeting; September 13, 2022.

7. Mini-Grant Steering Committee

No report.

I. REPORT OF THE MAYOR

Mayor Gabriel thanked Vice Mayor Glendening for speaking at the Memorial Day Service, thanked those who serve and reported on the following:

- Awareness of conversation between a Council Member and a contractor; and inquired to see if the Council wanted to develop a process for the public to voice complaints to be heard by the Council.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:

- Noted the significance of the increased amount committed from Kenai Senior Connections.
- Kenai Peninsula Borough, General Obligation Bond package included \$500,000 for the restrooms at Kenai Central High School.
- Meeting with Senator Murkowski's staff regarding funding opportunities for the needs of the Waste Water Treatment Plant.

2. City Attorney – City Attorney Bloom reported on the following:

- Complaints regarding problem properties within the City; and thanking the Parks and Recreation Director for working with the owner of the property to get it cleaned up.

3. City Clerk – City Clerk Saner reported on the following:

- Attendance at the International Institute of Municipal Clerks Annual Conference in Little Rock, AR.
- Absentee voting hours for the State of Alaska, Special Primary Election. Monday – Friday, 9:00 a.m. – 4:00 p.m.

K. ADDITIONAL PUBLIC COMMENTS

1. Citizen Comments (*Public comments limited to (5) minutes per speaker*)

Marion Nelson addressed the Council regarding the Thor Evenson show, with a reception on June 2, 2022; a meeting with the Executive Committee of the Kenai Art Center with the Executive Director of the Kenai Peninsula Economic Development District, Tim Dillon to discuss funding opportunities.

2. Council Comments

Council Member Petty thanked staff for the budget process and recognized the work involved; and noted her appreciation for the KCH bathroom project being included in the GO Bond.

Council Member Sounart thanked staff for the budget process.

Council Member Winger gave her condolences to the families in Texas, noting current times and the ALICE training provided to our children; reminded everyone to fire wise their property; and reported on a conversation with Representative Gilham regarding ranked choice voting.

Vice Mayor Glendening stated his support for our veterans; reported on his participation during the Memorial Day Services; and reflected on the service and loss of his family members who have served.

Council Member Baisden thanked Vice Mayor Glendening for reminding everyone what Memorial Day really meant; and thanked staff for the budget process.

Council Member Knackstedt thanked staff for the budget process.

Mayor Gabriel thanked the Administration for bringing forward a budget that reflected the budget goals adopted by the Council.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.


N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000.

There being no further business before the Council, the meeting was adjourned at 10:16 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of June 1, 2022.



Michelle M. Sauer, MMC
City Clerk

*** The student representative may cast advisory votes on all matters except those subject to executive session discussion. Advisory votes shall be cast in the rotation of the official council vote and shall not affect the outcome of the official council vote. Advisory votes shall be recorded in the minutes. A student representative may not move or second items during a council meeting.*