

**KENAI CITY COUNCIL – REGULAR MEETING
JANUARY 5, 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 January 5, 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
Henry Knackstedt	Teea Winger
Deborah Sounart	Glenese Pettay
Jim Glendening	

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager
Scott Bloom, City Attorney
Terry Eubank, Finance Director
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the packet:

- | | |
|------------------|--|
| Add to item D.5. | Ordinance No. 3265-2021 <ul style="list-style-type: none">October 18, 2021 Discussion Item - Kenai Dog Park |
| Add to item J.1. | Land Management Plan Requested Information <ul style="list-style-type: none">Memo |

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions, and requested **UNANIMOUS CONSENT**. Council Member Pettay **SECONDED** the motion.

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

4. Consent Agenda

MOTION:

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**. 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.

VOTE: There being no objections, **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

Marion Nelson provided Council a schedule of upcoming events at the Kenai Fine Arts Center, noting that their first show of the year will feature art by Zirrus VanDevere and the Fine Arts Center is collaborating with Kenai River Brewing Company to create a signature Jail Ale.

D. PUBLIC HEARINGS

- 1. Ordinance No. 3261-2021 - Accepting and Appropriating a Grant from the Institute of Museum and Library Services through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of a Hold Locker. (Administration)**

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance 3261-2021 and 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.

Clarification was provided on how the library lockers work using notifications, pick-up code and a mobile app. It was noted that this will be very convenient and efficient for library users.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3262-2021** - Accepting and Appropriating a Grant from the Institute of Museum and Library Services Passed Through the Department of Education and Early Development, Division of Library, Archives & Museums for the Purchase of Steam Kit Shelving, Library Materials, and Other Items. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3262-2021 and 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.

Clarification was provided that voice amplifiers and tents will be used for holding outdoor library events in the summer. Library Director Wolfe was thanked for being proactive in seeking grant funds to better the library for the community. The importance of STEAM programs for elementary-age children was noted.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3263-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association (AMLJIA) for the Purchase of Ballistic Vests. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3263-2021 and 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 the third Whereas by replacing the word “three” with “five” and requested **UNANIMOUS CONSENT**. Council Member Pettey **SECONDED** the motion.

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

VOTE ON MAIN MOTION AS AMENDED:

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

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Ordinance No. 3264-2021** - Accepting and Appropriating Asset Forfeiture Funds Provided to the City of Kenai through the State of Alaska Department of Public Safety. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3264-2021 and 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 noted that the memo explained very well how the funds would be used.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

5. **Ordinance No. 3265-2021** - Increasing Estimated Revenue and Appropriations in the General Fund and the Parks Improvement Capital Project Fund for Additional Kenai Dog Park Funding. (Vice Mayor Glendening and Council Members Winger and Baisden)

MOTION:

Vice Mayor Glendening **MOVED** to enact Ordinance No. 3265-2021 and Council Member Winger **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Connie Hocker, coordinator for the 3 Friends Dog Park in Soldotna, encouraged Council to approve the ordinance. She stated that people from all over come to visit the Soldotna dog park, and that it has been a labor of love with the community in coordination with the City. She noted that the main concerns of a dog park involve security and ADA provisions; suggested they consider a covered area.

Crystal Locke with the Kenai Dog Park committee provided a presentation on the Dog Park Master Plan, explaining the project goals, current status of park, and current financials. She provided a redesigned site plan and explained the proposed design elements, and clarified details on the proposed changes and phases of development.

Al Hall thanked the Dog Park Committee for their work. He noted his involvement with the City, and that having a dog park has been a long-term goal. Suggested that an additional land request should have been requested initially, as that would have been beneficial. He encouraged Council to support the ordinance.

Lena Wismar urged Council to approve this ordinance, noting the challenges for the fundraising committee to secure all of the funds and reminded everyone she was selling raffle tickets.

Angie Cramer asked Council for support for dog park funding, noting that the dog park has long been a goal of the community and there is widespread support among residents.

Connie Hocker clarified that Soldotna's dog park is 1.5 acres and they use every inch of it; smaller spaces can lead to overcrowding, and it would be preferable to make it larger from the beginning rather than change it later.

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

It was discussed how this could be a highly used park within the City, providing off-leash opportunities and proximity to other high-use businesses. It was noted that this is a great opportunity for Kenai's residents and surrounding area, and emblematic of successful public-private cooperation. An overview of the funding for the Soldotna Dog Park was provided.

Council members discussed their personal involvement with the Dog Park efforts, and it was clarified that the passing of this ordinance would not benefit these members financially.

Discussion involved the normal process for funding a project, and it was suggested that the Dog Park project be added to the City's capital project list. Preference was expressed for receiving the scope and design work for the project prior to providing funding, and potential costs were reviewed. The ability of the Council to alter the normal process of project funding was considered.

Clarification was provided that Davis Bacon wages would apply if this was made a City project. It was noted that the scope of this project needs to be further defined before it can be determined whether this funding would be sufficient to cover Phase II. An explanation of how capital projects are normally handled by the City was provided, with a scope first being established, after which the City can provide a cost estimate; then Council determines whether they want to pursue.

The history of the City's involvement in the dog park concept development was reviewed, and it was explained that the Dog Park Committee had originally proposed to Council in 2018 that there would be no expense to the City other than the land donation; however, the committee later determined that additional funding was needed and Council had appropriated funding for the project.

It was expressed that Phase I was largely successful, and we have a general idea of Phase II. It was noted that this money originally came from leftover COVID funds, and that there is widespread support for this project from Council and the community. Council discussed how they as a body have the ability to change the order of operations for appropriating project funding.

VOTE:

YEA: Winger, Gabriel, Glendening, Baisden, Sounart

NAY: Knackstedt, Pettey

MOTION PASSED.

6. **Resolution No. 2022-01** - Approving the Purchase of Fifteen Mobile Radios and Associated Programming for the Police and Fire Departments Under Sole Source Purchases from Motorola Solutions Using NASPO Valuepoint Contract Pricing for the Total Price of \$83,979.77. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-01 and 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.

UNANIMOUS CONSENT was requested.

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

7. **Resolution No. 2022-02** - Adopting an Alternative Allocation Method for the FY22 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity In FMA 14: Cook Inlet Area. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-02 and 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.

Finance Director Eubank provided an overview of the allocation methods for shared fisheries business tax, explaining why Administration recommends the alternative allocation method for the City of Kenai.

UNANIMOUS CONSENT was requested.

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

8. **Resolution No. 2022-03** - Amending the Employee Classification Plan to Change the Range of the Human Resources Director. (Administration)

MOTION:

Council Member Baisden **MOVED** to adopt Resolution No. 2022-03 and 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.

Clarification was provided that the Human Resources Director position was created three years ago and classified in range 26; after reviewing the job description, Administration determined that range 23 more accurately reflects the duties and responsibilities of the position. The difference between ranges 23 and 26 was explained.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Regular Meeting of December 15, 2021. (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS

1. **Action/Approval** - Confirmation of Mayoral Nominations for Appointment to the Planning and Zoning Commission. (Mayor Gabriel) [*Clerk's Note: At the December 15, 2021 Meeting, this item was Postponed to this meeting.*]

MOTION:

Vice Mayor Glendening **MOVED** to approve the Mayoral nominations for appointment to the Planning and Zoning Commission, and requested to divide the question. Council Member Winger **SECONDED** the motion.

Support was expressed for the re-appointment of Commissioner Woodard, and it was requested of Administration to provide additional training on Robert's Rules and adjudicatory sessions. City Clerk Saner and City Attorney Bloom confirmed that this training would be accomplished by the end of February.

VOTE ON APPOINTMENT OF GWEN WOODARD:

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

MOTION PASSED.

Jeff Twait was thanked for his years of service and expertise; it was noted that he does great work and runs a good meeting.

VOTE ON APPOINTMENT OF JEFF TWAIT:

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

MOTION PASSED.

G. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Action/Approval** - Non-Objection to Marijuana License Transfer for Herban Extracts, LLC. (City Clerk)

Approved by the consent agenda.

3. ***Action/Approval** - Non-Objection to Liquor License Renewals for Country Liquor, Wal-Mart Supercenter and American Legion Post 20. (City Clerk)

Approved by the consent agenda.

4. ***Action/Approval** - Special Use Permit to Schilling Alaska, Inc., d/b/a the Uptown Motel for Snow Storage. (Administration)

Approved by the consent agenda.

5. ***Ordinance No. 3266-2022** - Accepting and Appropriating Funds in the Airport Fund, and Accepting Two Grants From the Federal Aviation Administration Under the American Rescue Plan Act of 2021 (H.R. 1319, Public Law 117-2). (Administration)

Introduced by the consent agenda and Public Hearing set for January 19, 2022.

6. **Action/Approval** – Kenai Bluff Stabilization Project Thank You Letter (Council Member Pettey)

Clarification was provided that the letter was written to thank Governor Dunleavy for the allocation of \$6 million to Kenai's bluff stabilization project, and would be signed by all Council Members.

MOTION:

Council Member Pettey **MOVED** to approve the Kenai Bluff Stabilization Project Thank You Letter. Council Member Knackstedt **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

It was requested that the letter be sent to Kenai's local delegation as well as the Governor.

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

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – No report. Next meeting January 13, 2022.
2. Airport Commission – No report. Next meeting January 13, 2022.
3. Harbor Commission – No report. A Special Meeting is scheduled for January 11, 2022.
4. Parks and Recreation Commission – No report. Next meeting on January 6, 2022 will be a joint meeting with the Beautification Committee.
5. Planning and Zoning Commission – Council Member Glendening reviewed the actions of December 22, 2021 meeting. Next meeting January 12, 2022.
6. Beautification Committee – No report. Next meeting on January 6, 2022 will be a joint meeting with the Parks & Recreation Commission.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Hoped everyone enjoyed their holiday break;
- City Council's previous student representative resigned, a new one is being selected for appointment;
- Attended a Peninsula Mayor's meeting organized by Kenai Peninsula Economic Development District (KPEDD);
- KPEDD is hosting their annual Industry Outlook forum on January 6th, and he will give a welcome statement for the City of Kenai.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:
 - Soldotna and Kenai working with the Kenai Peninsula Borough to get updated aerial photography;
 - Met with Senator Murkowski's office regarding future funding opportunities for Kenai's bluff stabilization project under the federal Infrastructure Bill;
 - An auction was held for the bowling alley, and there were no bids;
 - Noted the memo in the laydown with additional information requested by the Planning & Zoning Commission regarding the Land Management Plan;
 - Update on bluff stabilization project: 35% complete design documents were provided to the City.
2. City Attorney – City Attorney Bloom reported on the following:

- After communicating with attorneys involved in the Exclusive Economic Zone (EEZ) lawsuit as well as attorneys for other Kenai Peninsula cities, he recommends that the City of Kenai file their own amicus brief.
- City Clerk – No report.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)

April Orth thanked Council for passing the ordinance funding the dog park, spoke about the benefits the community receives from the Soldotna Dog Park. She noted that she appreciated that COVID funds were used for it, and requested clarification on the status of remaining COVID funds.

Jeff Twait expressed concerns regarding the postponement of his appointment, the process of commissioner appointment, and dynamics within the Council. He noted that he had never solicited for his seat as Chair, and expressed support for other commissioners stepping up to the chairmanship.

2. Council Comments

Council Member Sounart wished everyone a Happy New Year; thanked everyone for the warm welcome she has received during her first months on Council.

Vice Mayor Glendening noted that it was an interesting meeting, and noted the importance of speaking with conviction to best serve the public.

Council Member Winger welcomed City Clerk Saner, thanked HEA linemen for their work during the recent power outages, and discussed the wind storms affecting the State. Expressed concerns about her treatment during her first year on Council.

Council Member Baisden wished everyone a Happy New Year.

Council Member Knackstedt thanked City Clerk Saner, noting that he looks forward to working with her.

L. EXECUTIVE SESSION – None.

M. PENDING ITEMS – None.

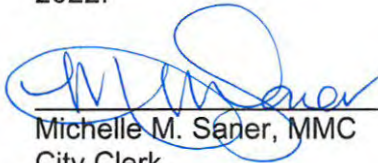
N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000
2. Thank You Letter to VFW

There being no further business before the Council, the meeting was adjourned at 9:00 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of January 5, 2022.



Michelle M. Sauer, MMC
City Clerk

