

**KENAI CITY COUNCIL – REGULAR MEETING  
JANUARY 19, 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 19, 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
Glenese Pettey	Deborah Sounart (via Electronic Participation)
Jim Glendening	

A quorum was present.

Also in attendance were:

\*\*Silas Thibodeau, Student Representative  
Paul Ostrander, City Manager  
Scott Bloom, City Attorney  
Terry Eubank, Finance Director  
Dave Ross, Police Chief  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the packet:

Add to item D.2.	<b>Resolution No. 2022-04</b>
	<ul style="list-style-type: none"><li>• Postponement Memo</li></ul>

Add to item J.1.	<b>City Manager Report</b>
	<ul style="list-style-type: none"><li>• Bluff Stabilization Update</li></ul>

**MOTION:**

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions, and to move item G.7 to the top of the agenda, and requested **UNANIMOUS CONSENT**. Council Member Winger **SECONDED** the motion.

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

4. **Oath of Office for Student Representative, Silas Thibodeau**

Mayor Gabriel administered the Oath of Office to Student Representative, Silas Thibodeau.

5. **Consent Agenda**

**MOTION:**

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

Council Member Winger requested to remove Ordinance No. 3267-2022 from the consent agenda.

**UNANIMOUS CONSENT** was requested.

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.**

7. **Action/Approval** - Providing Input to the Alaska Department of Environmental Conservation (ADEC) on Proposed Changes to Regulations on Oil Discharge Prevention and Contingency Plans (Mayor Gabriel)

John Williams summarized the history of Cook Inlet Regional Citizens Advisory Council (CIRCAC); its purpose of overseeing the production and transportation of oil in the Cook Inlet region; and explained that CIRCAC had spent years dealing with the state on proposed revisions to the Alaska Department of Environmental Conservation (ADEC) regulations, and the letter will confirm the City of Kenai's support of CIRCAC's position on these changes.

Shaylon Cochran, CIRCAC Director of Public Outreach, explained that similar language was presented to other Kenai Peninsula coastal communities for their approval, and the importance of these communities understanding how these regulations work.

Clarification was provided that these regulations are very technical, but the intent is to keep the level of environmental protection at a certain standard that CIRCAC has worked to maintain.

**MOTION:**

Council Member Knackstedt **MOVED** that Council sign the January 19, 2022 letter "Notice of Proposed Changes to Oil Prevention Requirements in ADEC Regulations" and requested **UNANIMOUS CONSENT**. Vice Mayor Glendening **SECONDED** the motion.

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

**C. UNSCHEDULED PUBLIC COMMENTS**

Joe Rizzo provided an update on the Triumvirate Theatre project's current status and finances, noting that they will not be breaking ground by summer 2022 due to the timelines of large foundations to whom they have applied for funding. Noted their target of \$4.7 million; they hope to know by September how close to that goal they are, and that they will proceed with the engineering stage after that.

**D. PUBLIC HEARINGS**

1. **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)
  - **Substitute Ordinance No. 3266-2022**

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3266-2022. 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 BY SUBSITUTE:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3266-2022 by Substitute. Vice Mayor Glendening **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.

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

It was noted that airport restaurants rely on air travels to pay for overhead, and this will continue the City's efforts to help these restaurants through the pandemic.

Clarification was provided that this is for concessionaires, including bar, bar lounge, restaurant and car rental agencies. The City will receive funds through the federal American Rescue Plan Act (ARPA), which will be provided to concessionaires based on formula provided by the federal government. The funds will cover losses to date and several months going forward.

**VOTE ON MAIN MOTION AS AMENDED:**

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

NAY:

\*\*Student Representative Faulkner: YEA

**MOTION PASSED UNANIMOUSLY.**

2. **Resolution No. 2022-04** - Awarding a Three Year Contract for the Purchase of Microsoft Software. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-04. 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:**

Council Member Knackstedt **MOVED** to postpone Resolution No. 2022-04 to February 16, 2022. Council Member Pettey **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.

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

3. **Resolution No. 2022-05** - Adopting Goals to Guide the Preparation of the Fiscal Year 2023 Annual Budget. (Administration)

**MOTION:**

Vice Mayor Glendening **MOVED** to adopt Resolution No. 2022-05. 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.

Appreciation was expressed for the forward-looking approach taken by Administration.

Clarification was provided about how the City utilizes Consumer Price Index (CPI) information, and that these are the highest levels of inflation nationally in the last forty years which will create challenges for Administration to put together a budget that meets the City's needs. It was noted that goals include maintaining the City's sales and property tax rates, and adjustment for compensation of City employees.

Administration was thanked for holding the Council work session held on January 10<sup>th</sup>, which gave Council an idea of what to expect.

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

4. **Resolution No. 2022-06** - Executing a Professional Services Agreement and Issuance of a Purchase Order for Design Services for the Recreation Center Improvements Project. (Administration)

**MOTION:**

Council Member Winger **MOVED** to adopt Resolution No. 2022-06. Vice Mayor 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.

Clarification was provided that the improvements will include a roof replacement, and upgrades to the HVAC and hot water systems. It was noted that this is the first step in a significant amount of improvements needed at the Recreation Center.

**UNANIMOUS CONSENT** was requested.

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

5. **Resolution No. 2022-07** - Accepting Funding from the U.S. Department of Health and Human Services, Provider Relief Fund through the Public Health and Social Services Emergency Fund, Provided by The Coronavirus Aid, Relief, and Economic Security (CARES) Act. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-07. Council Member Winger **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

April Orth inquired what the funds can be used for, and whether there are ties if it is accepted.

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

**UNANIMOUS CONSENT** was requested.

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

**E. MINUTES**

1. \*Regular Meeting of January 5, 2022. (City Clerk)

Approved by the consent agenda.

2. \*Work Session of January 10, 2022. (City Clerk)

Approved by the consent agenda.

F. **UNFINISHED BUSINESS** – None.

G. **NEW BUSINESS**

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

Approved by the consent agenda.

2. \*Action/Approval - Purchase Orders Over \$15,000. (Administration)

Approved by the consent agenda.

3. **Ordinance No. 3267-2022** - Authorizing COVID Leave for City Employees that Test Positive for COVID-19, and Authorizing the Use of Funds from a Grant from the State of Alaska-Department of Health and Social Services – Division of Public Health – COVID Emergency Operations Center to Fund the Leave. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to introduce and set for public hearing at the February 2, 2022 City Council meeting. Council Member Winger **SECONDED** the motion.

It was noted that City employees are increasingly impacted by COVID, prompting Administration to bring the issue of COVID leave to Council as soon as possible; It was explained that administrative leave will be provided for employees with COVID between now and this ordinance's public hearing on February 2<sup>nd</sup>, and after enactment the ordinance can be retroactively applied for this time period. Current COVID policies and protocols for City employees were clarified.

It was suggested that Administration change policies that treat vaccinated employees differently from un-vaccinated. Clarification was provided on the types of tests employees need to determine positive statuses. The use of grant funds for therapeutics and Anchorage-based clinics was discussed.

**UNANIMOUS CONSENT** was requested.

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

4. \***Ordinance No. 3268-2022** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue Fund and Authorizing a Purchase Order Increase to Alaska Waste For Sludge Disposal Services At The Waste Water Plant (Administration)

Introduced by the consent agenda and Public Hearing set for February 2, 2022.

5. \***Ordinance No. 3269-2022** - Amending Kenai Municipal Code Section 7.30:020, Land Sale Permanent Funds, to Identify the Circumstances and Limitation on the Use of Derivative Investments and to Add Two New Classes of Assets to the List of Authorized Investments and to Codify the Applicable Benchmark by Which these Asset Classes Will be Measured and Evaluated (Administration)

Introduced by the consent agenda and Public Hearing set for February 2, 2022.

6. **Action/Approval** - Providing Direction to the City Attorney to file an Amicus Brief in *United Cook Inlet Drift Association, et al. v. NMFS et al.* (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to provide direction to the City Attorney to file an Amicus Brief in *United Cook Inlet Drift Association, et al. v. NMFS et al.* Vice Mayor Glendening **SECONDED** the motion.

City Attorney Bloom updated the Council that the defendants' representation will take no position on the City filing an amicus brief on behalf of the plaintiffs, and noted the timeline for submission. He explained that the approach would be limited to factors evaluated under the Magnusen-Stevens Act, specifically the requirement to evaluate community impact and how the City of Kenai was not consulted on this. Support was expressed for this strategy.

**UNANIMOUS CONSENT** was requested.

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

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging – Council Member Knackstedt reported on the work session of January 13, 2022. Next meeting February 10, 2022.
2. Airport Commission – Council Member Baisden reported on the actions of the January 13, 2022 meeting. Next meeting February 10, 2022.
3. Harbor Commission – Council Member Pettey reported on the actions of the January 11, 2022 Special Meeting. Next meeting February 7, 2022.
4. Parks and Recreation Commission – No report. Next meeting February 3, 2022.
5. Planning and Zoning Commission – Council Member Glendening reviewed the actions of January 12, 2022 meeting. Next meeting January 26, 2022, and a work session will be held on January 20, 2022.
6. Beautification Committee – Committee Member Sounart reported on the actions of the January 6, 2022 Joint Special Meeting. Next meeting April 12, 2022.
7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Expressed excitement for the \$28 million in funding awarded to the City for the bluff stabilization project;
- Met with coastal communities to discuss needs moving into the legislative session, representing the Alaska Bycatch Review Task Force;
- New police officers will have a swearing-in ceremonies on January 28<sup>th</sup> at 2:00 p.m. in Council Chambers.

**J. ADMINISTRATION REPORTS**

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

- Attended the Kenai Peninsula Economic Development District (KPEDD) Industry Outlook Forum on January 6<sup>th</sup>; thanked KPEDD for their great job and for having it in Kenai this year;
- Kenai waterfront assessment study kick-off meeting was January 7<sup>th</sup> with the McKinley Group; due to the spike in COVID numbers, in-person meetings may be delayed;
- Met with all City commissions involved in Land Management Plan meetings, and noted the excellent discussions and questions;
- The City is applying to be a vendor with the Department of Health and Social Services new water assistance program, which will provide assistance from the State to utility members who are most vulnerable;
- Talked with the Army Corps of Engineers about scheduling for the bluff erosion project, and clarified things the City needs to do to bring the project to fruition.

2. City Attorney – No report.

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

- Attended all commission and committee meetings to introduce herself to all members;
- The City's agreement with Zoom is ending in March; will bring an action item to Council to renew or discontinue.

**K. ADDITIONAL PUBLIC COMMENT**

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

2. Council Comments

Council Member Knackstedt welcomed Student Representative Thibodeau, and noted that the \$28 million in funding for the bluff project was great news. Attended KPEDD's Industry Outlook Forum and reported that he was very impressed.

Council Member Baisden welcomed Student Representative Thibodeau and noted that this was a short Council meeting.



Council Member Winger welcomed Student Representative Thibodeau. Noted Betty White's birthday and online donation initiative for animal rescue organizations in her name, and reminded everyone of the Dog Park raffle. Thanked the Kenai Police Department for efficiencies in training.

Vice Mayor Glendening welcomed Student Representative Thibodeau and noted that he would be traveling to Florida for medical reasons and returning in February.

Student Representative Thibodeau introduced himself and thanked Council for the warm welcome. He reported on upcoming Kenai Central High School events including Spirit Week, Peach Fuzz men's volleyball, skating night, and other upcoming sports events. Thanked Council for approving Recreation Center improvements.

Council Member Pettey welcomed Student Representative Thibodeau, and thanked Mayor Gabriel for representing the community in the Alaska Bycatch Review Task Force. Expressed appreciation for the bluff project funding, and reported that she attended the KPEDD forum. Stated that she hopes that Senior Center will get a generator.

Council Member Sounart welcomed Student Representative Thibodeau, congratulated Mayor Gabriel for his appointment to the Alaska Bycatch Review Task Force, and thanked City Manager Ostrander for his hard work on bluff erosion project.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

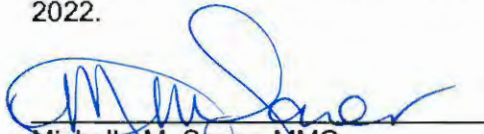
N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

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

There being no further business before the Council, the meeting was adjourned at 7:33 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of January 19, 2022.

  
\_\_\_\_\_  
Michelle M. Saner, 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.*