

**KENAI CITY COUNCIL – REGULAR MEETING  
APRIL 20, 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 April 20, 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  
Scott Curtin, Public Works Director  
Randi Broyles, Special Projects Coordinator  
Kathy Romain, Senior Service Director  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

Add item D.10.                   **Public Hearing – Resolution 2022-25**  
  • Amendment Memo

Add item D.11.                   **Public Hearing – Resolution 2022-26**  
  • Informational Item

The following amendments were requested to the Order of Business:

Reorganize Agenda:           **Item D.11. Public Hearing – Resolution 2022-26**  
  • Moved to Agenda Item D.1.

Reorganize Agenda:           **Item G.5. Action/Approval – Consent to Assignment and Assumption  
of Lease agreement**  
  • Moved to Agenda Item D.2.

**MOTION:**

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Vice Mayor Glendening **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 Pettet **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**

**1. Kenai Dog Park Friends, Current Need and Future Expansion of the Dog Park.**

Crystal Locke provided a presentation on the current needs of the Dog Park; a summary of the vision and mission of the dog park; review of the changes to the plan over the last four-years since the original concept plans; a review of the number of dogs anticipated to utilize the park; and explained additional space would allow for some agility equipment to be included.

There was discussion regarding the expanded area offering more opportunity for agility equipment; the draw from other communities and possible events if agility equipment were included; the American Kennel Club recommendation regarding dog park size and number of dogs serviced; and if the additional area were fenced now there would be no delays when the dog park expanded into that area.

**C. UNSCHEDULED PUBLIC COMMENTS**

Marion Nelson reminded everyone that the student show would soon be ending; that the next show was water colors and anyone could enter; and reported on the facility area management involvement from the Art Guild and Potters Guild.

Lena Wismar addressed the Council in support of the Dog Park and noted that thanks to the community outreach for this project Walmart and Home Depot would be contributing.

Sheryl Main addressed the Council regarding the high level of gang activity in Los Angeles noting that she was thankful for our community; thanked Council Member Winger for visiting her home and assuring her the project she had mentioned at the previous meeting would be taken care of; and offered a prayer for the City.

**D. PUBLIC HEARINGS**

**1. Resolution No. 2022-26 – Authorizing the Use of Additional Land at the Daubenspeck Family Park for Expansion of the Dog Park. (Council Member Winger and Vice Mayor Glendening)**

[Clerk's Note: Resolution No. 2022-26 was moved from Agenda Item D. 11. to D. 1. at the setting of the agenda.]

**MOTION:**

Council Member Winger **MOVED** to adopt Resolution No. 2022-26. 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.

**MOTION TO AMEND:**

Vice Mayor Glendening **MOVED** to amend Resolution No. 2022-26 as follows:

- Fifth whereas clause to read, "despite the prior appropriation of land, additional land to the [SOUTH] west is needed to properly complete the project; and"
- Section 1 to read, "That an additional 0.52 acre of land [SOUTH] west of the current dog park be designated for the Kenai Community Dog Park Project."

Council Member Knackstedt **SECONDED** the motion to amend Resolution 2022-26.

**UNANIMOUS CONSENT** was requested on the motion to amend Resolution 2022-26.

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

There was discussion regarding the American Kennel Club recommended size of a dog park being roughly one acre; agility competitions being a fast growing sport; smaller parks not being designed for agility equipment; establishing the dog park perimeter early for the purpose planning and design; the cost to the associated with expanding the dog park foot print; the need to survey and subdivide the adjacent property to be able to include the additional 0.52 acres; options for staking out the area before subdividing; the donations from local businesses toward materials and labor; and the value of previous City funding and land donations made toward the dog park.

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Resolution No. 2022-26 as follows:

- Insert a new final whereas clause to read, "the funding for the fencing materials and installation for the additional 0.52 acres will be funded by dog park donations through the Kenai Community Foundation."

Council Member Pettey **SECONDED** the motion to amend Resolution 2022-26.

**VOTE ON MOTION TO AMEND:**

YEA: Mayor Gabriel, Sounart, Pettey, Knackstedt

NAY: Baisden, Glendening, Winger

\*\*Student Representative Thibodeau: YEA

**MOTION TO AMEND PASSED.**

**VOTE ON MOTION TO ADOPT AS AMENDED:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION TO ADOPT AS AMENDED PASSED UNANIMOUSLY.**

2. **Action/Approval** – Consent to Assignment and Assumption of Lease Agreement, of Lot 5, Block 1, Gusty Subdivision Addition No. 1 Amended, to Forever Business Plaza, LLC. (Administration)

[Clerk's Note: The Action/Approval Item above was moved from agenda Item G. 5. to D. 2. at the setting of the agenda.]

**MOTION:**

Council Member Knackstedt **MOVED** to approve the assignment and assumption of the Lease Agreement. Council Member Winger **SECONDED** the motion.

There was discussion with the applicant regarding the plans for the property; continuing to allow the current tenants to remain; and future growth opportunities.

**UNANIMOUS CONSENT** was requested.

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

- 3. Ordinance No. 3277-2022** – Accepting a Grant from the Federal Aviation Administration Under the Coronavirus Response and Relief Supplemental Appropriation Act, 2021 and Appropriating Funds into the Special Revenue Fund. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3277-2022. 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.

**VOTE:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 4. Ordinance No. 3278-2022** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement Amendment to Complete Design Phase Services for the Kenai Municipal Airport Runway Rehabilitation Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3278-2022. 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.

There was discussion regarding the consultant fee aligning with current standard costs; and the associated costs being eligible for grant funding.

**VOTE:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 5. Ordinance No. 3279-2022** – Accepting and Appropriating a State of Alaska Grant Passed through the Southern Region EMS Council, Inc., for Three Scoop Stretchers, Three Adult Vacuum Splints and Three Pediatric Vacuum Splints. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3279-2022. 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.

There was discussion on the benefits of applying for grant funding available for these types of projects; the shape and purpose of a Scoop Stretcher.

**VOTE:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 6. Ordinance No. 3280-2022** – Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3280-2022. 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.

There was discussion regarding the benefits of having additional equipment for fire response; and the number spruce bark beetle infested trees.

**VOTE:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 7. Ordinance No. 3281-2022** – Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3281-2022. 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.

There was discussion regarding the grant funding received from the State of Alaska annually; the increased needs for delivery meal services; and the time restriction for spending the additional funds.

**VOTE:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

8. **Ordinance No. 3282-2022** – Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue Fund and Wastewater Treatment Plant Improvements Capital Project Fund to Provide Supplemental Funding for the Sludge Press Replacement Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3282-2022. 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 AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3282-2022 as follows:

- Delete the Fourth whereas clause in its entirety, “[THESE ADDITIONAL ISSUES REQUIRE ADDITIONAL FUNDING IN THE AMOUNT OF \$840,000, BRINGING THE TOTAL FUNDING TO DATE FOR THE PROJECT TO \$2,040,000; AND,]”
- Insert a new Fourth whereas clause to read, “a contract amendment to HDL Engineering in the amount of \$87,144 is needed to complete the additional scope of work within the design; and”
- Insert a new Fifth whereas clause to read, “the additional code issues and design contract amendment require additional funding in the amount of \$840,000, bringing the total funding to date for the project to \$2,040,000; and”
- Insert a new Section 3 to read, “The City Manager is authorized to execute a contract amendment with HDL Engineering in the amount of \$87,144 and increase the existing Purchase Order 121735 by the same amount.”
- Renumber remaining sections accordingly.

Council Member Petty **SECONDED** the motion to amend Ordinance No. 3282-2022.

**UNANIMOUS CONSENT** was requested on the motion to amend Ordinance No. 3282-2022.

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

There was discussion regarding the estimated time to complete the project; the number of other projects which have been identified and will need to be addressed in the next few years; funding for water and sewer projects generally came from the utility fund, not the general fund; questions related to ARPA funds being eligible for these type of projects; other federal funded grant opportunities for water and waste water improvements; and bond funding options, which would need to be approved by the eligible voters of the city.

**VOTE ON THE MOTION TO ENACT AS AMENDED:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION TO ENACT AS AMENDED PASSED.**

9. **Ordinance No. 3283-2022** – Authorizing a Budget Revision in the Airport Special Revenue Fund and Increasing Estimated Revenues and Appropriations in the Terminal Improvement Capital Project Fund for Design Services for the Terminal Landscaping Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3283-2022. 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.

There was discussion regarding the scope of work involved with the design; if previous appropriations for this included irrigation; the importance of landscaping at the airport and the visual message it provided about our city to visitors on arrival; if the Airport Commission would be providing input on the design; and that this would be for the area immediately outside the arrival and departure area.

**VOTE:**

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

NAY: None

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

- 10. Resolution No. 2022-23** – Authorizing the City Manager to Execute an Amendment to the City of Kenai's Participation Agreement with the Public Employees' Retirement System (PERS) to Remove the "Program or Project Employee" Category of Employees from Participation Effective July 1, 2022. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-23. 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.

There was discussion regarding this change allowing the city to hire a temporary employee for more than six-months; employees hired in this category would still be fully benefited positions; however, they would not be in the PERS system; and it would eliminate the requirement of a termination study when the position is no longer needed.

**UNANIMOUS CONSENT** was requested.

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

- 11. Resolution No. 2022-24** – Authorizing a Construction Contract Award for the Mission Avenue Water Main Improvements Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-24. 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.

There was discussion regarding the completion of this project during the upcoming construction season; the high priority of this project due to the proximity of the bluff; and the existing main would be abandoned as to not disturb the bluff.

**UNANIMOUS CONSENT** was requested.

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

**12. Resolution No. 2022-25** – Approving the Fifth Amendment to the City’s Airline Operating Agreement and Terminal Area Lease to Reduce Certain Insurance Requirements for Operators. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-25. 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 Resolution 2022-25 as follows:

- Amend the first sentence of paragraph A in the attached Exhibit D, to read: [AIRLINE] Aircraft Liability Insurance and Comprehensive [GENERAL] Aviation Liability Insurance

Council Member Baisden **SECONDED** the motion to amend Resolution 2022-25.

**UNANIMOUS CONSENT** was requested on the motion to amend Resolution 2022-25.

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

**UNANIMOUS CONSENT** was requested on the motion as amended.

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

**E. MINUTES**

1. \*Regular Meeting of April 6, 2022. (City Clerk)

**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. 3284-2022** – Accepting and Appropriating Private Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)

Introduced by the consent agenda and Public Hearing set for May 4, 2022.

4. \***Ordinance No. 3285-2022** – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)

Introduced by the consent agenda and Public Hearing set for May 4, 2022.

5. **Action/Approval** – Special Use Permit to Laser Art Alaska, LLC for a four-month term from May 1, 2022 through August 31, 2022 (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to approve the Special Use Permit to Laser Art Alaska. Council Member Pettey **SECONDED** the motion.



There was discussion with the applicant regarding the plans for the space and the different types of Alaska and local art that would be sold.

**UNANIMOUS CONSENT** was requested.

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

**6. Discussion/Action – Setting Budget Work Session Schedule. (Mayor Gabriel)**

The Budget Work Session was scheduled for Saturday, May 14, 2022.

**H. COMMISSION / COMMITTEE REPORTS**

**1. Council on Aging**

Council Member Knackstedt reported on the April 14, 2022 meeting; next meeting May 12, 2022.

**2. Airport Commission**

Council Member Knackstedt reported on the April 14, 2022 meeting; next meeting May 12, 2022.

**3. Harbor Commission**

No report, the next meeting is scheduled for May 9, 2022.

**4. Parks and Recreation Commission**

Council Member Winger reported on the April 7, 2022 work session; next meeting May 5, 2022.

**5. Planning and Zoning Commission**

Council Member Winger reported on the April 13, 2022 meeting; next meeting April 27, 2022.

**6. Beautification Committee**

No report, the next meeting is schedule for May 10, 2022.

**7. Mini-Grant Steering Committee**

No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attending the Alaska By-Catch Task Force Subcommittee Meeting on April 14, 2022.

He thanked everyone for the continued support, thoughts and prayers for his family for the recent loss of his mother.

**J. ADMINISTRATION REPORTS**

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

- Attending a grant symposium hosted by Senator Murkowski in Anchorage with Public Works Director Curtin and Grants Writer Shurtleff.
- Postponement of Kenai Aviation's unveiling of their new plane.
- The second phase of the Kenai Waterfront Revitalization Project scheduled for May 2 & 3, 2022 at the Kenai Chamber of Commerce and Visitor Center.
- The Chamber hired a new Director, Brett Perry.
- Continued efforts to identify additional funding for the local match on the bluff erosion project.

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

- Reported that he would be amenable to conduct a work session with the Planning and Zoning commission regarding conditional use permits and enforcement.

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

- Update regarding the current status of KPB Ordinance 2022-07, which would submit the apportionment plans to the voters at the next Regular Election.

**K. ADDITIONAL PUBLIC COMMENTS**

1. Citizen Comments (*Public comments limited to (5) minutes per speaker*) – None.
2. Council Comments

Council Member Winger provided an update regarding the upcoming Caring for the Kenai event; commented on the number of trees getting cut and the need for property owners to fire wise their property; and addressed constituents regarding how she handles emails received from them.

Student Representative Thibodeau reported that Prom and the After-Prom event went well; a recent assembly was held about “Sources for Strength”; provided an update on sports activities and band camp; and noted that Student Council selection has started.

Council Member Pettey thanked the City Manager, Finance Director and Department Directors for their work on the budget; and thanked everyone for their support with the recent passing of her mother.

**L. EXECUTIVE SESSION**

1. Possible Donation or Sale of Park View Subdivision Tract A, Kenai Peninsula Borough Parcel #04701018. Pursuant to AS 44.62.310(c)(1) a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finance of the City.

**MOTION:**

Council Member Knackstedt **MOVED** to enter into executive session to consider the possible donation or sale of Park View Subdivision Tract A, Kenai Peninsula Borough Parcel #04701018 which may be a matter of which the immediate knowledge may have an adverse effect upon the finance of the City pursuant to AS 44.62.310(c)(1).

The Executive Session to include Mayor Gabriel, City Council Members, City Manager Ostrander and City Attorney Bloom.

Council Member Baisden **SECONDED** the motion.

**VOTE:**

YEA: Gabriel, Baisden, Sounart, Pettey, Knackstedt

NAY: Glendening, Winger

\*\*Student Representative Thibodeau: YEA

**MOTION PASSED.**

*[Clerk's Note: Council entered into Executive Session at 9:36 p.m. and reconvened at 10:02 p.m.]*

**M. PENDING ITEMS – None.**


**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000.
2. Cook Inlet Regional Citizens Advisory Council – Update from the Board of Directors.
3. Kenai Peninsula Borough 2022 Reapportionment Committee Final Report.

There being no further business before the Council, the meeting was adjourned at 10:03 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 20, 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.*