

**KENAI CITY COUNCIL – REGULAR MEETING
MAY 18, 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 May18, 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
Kathy Romain, Senior Services Director
Christine Cunningham, Human Resource Director
Scott Curtin, Public Works Director
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.2. **Public Hearing – Ordinance No. 3287-2022**
• Public Comments

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions 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

Mark Griffin, operator of the Kenai Golf Course provided an update on operations at the golf course; reported on a Jr. Golf Clinic and getting youth involved with the sport; and noted some structures that were needing repairs and maintenance.

D. PUBLIC HEARINGS

1. **Ordinance No. 3286-2022** – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the US Department of Transportation Passed Through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3286-2022. 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.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3287-2022** – Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) 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)

MOTION:

Council Member Baisden **MOVED** to enact Ordinance No. 3287-2022. Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Ryan Tunseth addressed the Council in support of Ordinance 3287-2022; he identified a large donation from Royce Roberts and the possibility of purchasing the Kenai Community Care Center facility; he noted

the passion of the Boys and Girls Club to serve the children of our community and the timeliness of this purchase. There was conversation regarding what would occur if the ordinance were postponed two weeks.

Linda Hutching, treasurer of the Kenai Community Care Center spoke in support of Ordinance 3287-2022; provided a history of the Kenai Community Care Center; the services provided by the care center; the reasons for selling the facility; and noted there were three parties interested in purchasing the facility. There was discussion regarding the Boys and Girls Club not being able to make any plans or take any actions until the ordinance is approved.

April Orth addressed the Council noting she had heard of other subdivision options for the parcel; requested documentations be available regarding disposal of City own lands; she stated her support for the Boys and Girls club; however, noted concerns with the proposed location being off the beaten track.

Kyle Kornelis address the Council stating that there would be a lot of positive comments regarding the Boys and Girls Club; however, he wanted to address the conceptual process. He noted that it would be difficult to say what portions of the proposed parcel would be needed at this time; referenced the revert clause within the ordinance itself; and noted their plans and designs at this point were not feasible without being able to consider the entire parcel.

Tory Harsham addressed the Council regarding all of the benefits to the children who are able to attend the Boys and Girls Club academic and athletic programs.

Mike Navarre, Boys and Girls Club Board Member for 25-years addressed the Council in support of the ordinance; noted it was an opportunity for growth; he spoke to the financial impact to the City from visitors to the programs offered by the Boys and Girls Club; and noted that he was also on the Rasmussen Board and there were timelines involved for grant funding.

Tim Dillion, Kenai Peninsula Economic Development District Director addressed the Council in support of the ordinance; nothing this is about opportunity; he spoke to the economic benefits to the City if the club was located within the City; and the importance of making sure we had somewhere young people could go. There was discussion regarding the benefits to the workforce when there are places like the Boys and Girls Club in a community.

Carl Wik addressed the Council in support of the Boys and Girls Club, noting this was well supported by our community and a great opportunity for everyone.

Mark Burton addressed the Council in support of the ordinance, noting the Boys and Girls Club was not a daycare, it is an opportunity for kids to grow.

Tim Redder addressed the Council in support of the ordinance, noting the difficulty in finding quality child care and for so many the Boys and Girls Club was the solution; he recognized how the programs and people from the club shaped his son; and reminded everyone of how many meals are provided to kids through the Boys and Girls Club.

Amber Every addressed the Council in support of the ordinance, noting the benefits from the club to her two children; stated she had coached sports for the club and truly believes the if they build it they will come.

Todd Smith addressed the Council in support of the ordinance; spoke to the positive impact it will have on the local economy and spoke in opposition to possible postponement.

Jeff Dolifka addressed the Council in support of the ordinance; recognized the difficult decision before the Council; outlined the events leading up to the Planning and Zoning Commission meeting in which they postponed their recommendation. There was discussion related to the Council supporting the

donation; however, the importance of allowing the Planning and Zoning Commission to make their recommendation.

Ashton Reinke addressed the Council stating that the teen center was not a day care; he noted his appreciation for all the Boys and Girls Club do; and how much more they will be able to do with the new facility.

Christen Lee addressed the Council in support of the ordinance; he stated the Boys and Girls Club was not just a place to go, it was also presented youth with a place to belong and makes a difference in the mental health of the youth.

Erin Dolifka addressed the Council in support of the ordinance and the economic benefits to the City if the facility were located in within the City limits.

Shanette Wik addressed the Council in support of the ordinance; noting they have outgrown the current facility; and clarified that when Aurora Charter School was in session they also loss the use of the gym.

Carol Sinenko addressed the Council in support of the ordinance; noting the Boys and Girls Club also offered an opportunity for professionals who love to work with kids; and the expansion would offer more job opportunities.

Doug Heiman addressed the Council in support of the ordinance and offered insight from the success of the club located at Tustumena Elementary; he reported that the trends for membership are above pre-pandemic levels.

Tim Navarre addressed the Council in support of the ordinance; referenced the City slogan and stated that the Boys and Girls Club is the future.

Chris Huf addressed the Council in support of the ordinance; noted that a donating only a portion of the parcel would require platting; stated it was in the best interest of the City to support the facility; and the facility did not meet the needs of the Boys and Girls Club without the land donation.

Alex Douthit, City of Kenai Planning Commissioner stated that when the Ordinance was in front of the commission for recommendation the additional information provided to the City Council was not provided to the commission.

Malcom McBride said he supported the Boys and Girls Club; noted the City had supported them heavily in the past 25 to 30 years; noted there was a lot of pressure to approve the ordinance; and stated the area was not accessible in the month of July.

Jeff Twait, City of Kenai Planning Commissioner stated that he did recuse himself during the Planning and Zoning Commission meeting; he noted it was a win/win for the City to donate the land, then carve out what sections were needed for the Boys and Girls Club and the other portions could be used for housing.

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

[Clerk's Note: Council Member Pettey declared a possible conflict with Ordinance 3287-2022 as she is a Board Member on the Kenai Community Care Center Board. Mayor Gabriel ruled Council Member Pettey had no conflict of interest.]

There was discussion regarding the importance of the success of the Boys and Girls Club; if donated the Boys and Girls Club would be responsible for surveying the land; the role of the Planning and Zoning Commission being advisory; and the generous donation from Royce Roberts.

Concerns were stated regarding to donating a piece of land without knowing the value; the effects of delaying the Boys and Girls Club facility purchase for two-weeks; and the importance of process and waiting for a recommendation from the Planning and Zoning Commission.

MOTION:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3287-2022 title by correcting the parcel number from [047010118] to 04701018. Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

MOTION:

Vice Mayor Glendening **MOVED** to postpone Ordinance No. 3287-2022 to the June 1, 2022 City Council Meeting. Council Member Winger **SECONDED** the motion.

There was discussion related to the process placing an item before the Planning and Zoning Commission for recommendation to the Council; and actions by the Council without the recommendation.

VOTE ON THE MOTION TO POSTPONE:

YEA: Winger, Glendening, Sounart

NAY: Pettey, Knackstedt, Gabriel, Baisden

**Student Representative Thibodeau: NAY

MOTION TO POSTPONE FAILED.

MOTION:

Council Member Glendening **MOVED** to re-refer Ordinance No. 3287-2022 to the Planning and Zoning Commission for a public hearing at the May 25, 2022 Planning and Zoning Commission Meeting. Council Member Winger **SECONDED** the motion.

There was discussion regarding possible litigation slowing the process down if Council took action prior to receiving a recommendation from the Planning and Zoning Commission.

VOTE ON THE MOTION TO RE-REFER:

YEA: Winger, Glendening, Sounart

NAY: Knackstedt, Gabriel, Baisden, Pettey

**Student Representative Thibodeau: NAY

MOTION TO RE-REFER FAILED.

[Clerks' Note: Legal advice was provided to Council regarding receiving an recommendation from the Planning and Zoning Commission.]

MOTION:

Council Member Baisden **MOVED** to reconsider the motion to postpone. Council Member Winger **SECONDED** the motion.

VOTE ON THE MOTION TO RECONSIDER:

YEA: Gabriel, Baisden, Glendening, Sounart, Winger

NAY: Knackstedt, Pettey

**Student Representative Thibodeau: NAY

MOTION TO RECONSIDER PASSED.

VOTE ON THE RECONSIDERED MOTION TO POSTPONE:

YEA: Gabriel, Baisden, Glendening, Sounart, Winger

NAY: Pettey, Knackstedt

**Student Representative Thibodeau: NAY

MOTION TO POSTPONE PASSED.

- 3. Ordinance No. 3288-2022** – Accepting and Appropriating a Scholarship from the Alaska Association of Municipal Clerks for Employee Travel and Training. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3288-2022. 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 allow the City to accept the reimbursable funds for the Deputy Clerk to attend the Northwest Clerks Institute.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

- 4. Resolution No. 2022-29** – Authorizing an Agreement for Professional Engineering Services to Provide Construction Documents for the Waste Water Treatment Plant Digester Blower Replacement Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-29. 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.

It was reported that the current Digester Blowers were well beyond their useful life.

UNANIMOUS CONSENT was requested.

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

- 5. Resolution No. 2022-30** – Authorizing A Budget Transfer in the General Fund, Non-Departmental, Department to Provide Supplemental Funding to the Communications Tower Condition Assessment and Capacity Study Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-30. 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 project was included in the budget; when the original request for quotes went out, none were received; when asked contractors indicated the City's estimate was insufficient.

UNANIMOUS CONSENT was requested.

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

6. **Resolution No. 2022-31** – Authorizing an Agreement for Professional Engineering Services to Conduct a Rate Study for the Water, Sewer Wastewater Utility. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-31. 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. 2022-32** – Amending the Employee Classification Plan by Reclassifying the Public Works Wastewater Treatment Plant Foreman and the Water and Sewer Foreman Positions Under the Foreman Classification and Adjusting the Range for this Class. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-32. 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.**

8. **Resolution No. 2022-33** – Approving the Vacation of a 60' Wide Right of Way and Associated Utility Easements in Jaynes Subdivision, Big Mike's Addition, as Granted by Plat K-2015-99, and Bridge Road Subdivision 2019 Replat as Granted by Plat K-2020-15, Located Within Section 4, Township 5 North, Range 11 West, Seward Meridian, Alaska, and Determining the Right of Way and Utility Easements are Not Needed for a Public Purpose. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-33. 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.

UNANIMOUS CONSENT was requested.

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

9. **Resolution No. 2022-34** – Adopting the Updated 2022 Kenai Peninsula Community Wildfire Protection Plan. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-34. 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 addressing wildfire mitigation and the benefits of a slash disposal site.

UNANIMOUS CONSENT was requested.

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

10. Resolution No. 2022-35 – Authorizing a Budget Transfer in the Airport Fund, Administration Department for the Payment of Concession Relief Payments to Terminal Concessionaires from Grant Funds Received through the Coronavirus Response and Relief Supplemental Appropriation Act, 2021. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-35. 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 funds being meant for the Airport; the appropriation was needed; and would be dispensed based on contributions.

UNANIMOUS CONSENT was requested.

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

11. Resolution No. 2022-36 – Authorizing a Budget Transfer in the General Fund, Shop Department for Costs in Excess of Budgeted Amounts. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-36. 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**.

E. MINUTES

1. *Regular Meeting of May 4, 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. ***Action/ Approval** – Non-Objection to Liquor License Renewals for Kenai Elks Lodge #2425. (City Clerk)

Approved by the consent agenda.

4. ***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)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

5. ***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)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

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

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

7. ***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)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

8. ***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)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

9. **Action/Approval** – Special Use Permit to Pacific Star Seafoods, Inc. for 15,000 square feet of Apron for Aircraft Parking & Loading from June 1, 2022-July 31, 2022. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the Special Use Permit to Pacific Star Seafoods, Inc. Council Member Glendening **SECONDED** the motion.

It was clarified that this would be similar to the activities Pacific Star Seafoods, Inc. did in 2021.

UNANIMOUS CONSENT was requested.

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

10. **Action/Approval** – Second Amendment to Agreement for Janitorial Services with Reborn Again Janitorial Services. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the second amendment to the Reborn Again Janitorial Service Agreement. Council Member Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

11. Action/Approval – Confirmation of Mayoral Nominations for Appointment to the Council on Aging and Mini Grant Steering Committee.

MOTION:

Council Member Knackstedt **MOVED** to confirm the Mayoral Nominees for Appointment. Council Member Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

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

A Board of Adjustment Appeal Hearing was scheduled for June 20, 2022 at 5:00 p.m.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Knackstedt reported on the May 12, 2022 meeting; next meeting June 9, 2022.

2. Airport Commission

Council Member Baisden reported on the May 12, 2022 meeting; next meeting June 9, 2022.

3. Harbor Commission

Council Member Pettey reported no quorum at the May 9, 2022 meeting; next meeting June 6, 2022.

4. Parks and Recreation Commission

Next meeting June 2, 2022.

5. Planning and Zoning Commission

Vice Mayor Glendening reported on the May 11, 2022 meeting; next meeting May 25, 2022.

6. Beautification Committee

Council Member Sounart reported on the May 10, 2022 Work Session; next meeting May 19, 2022 – Special meeting.

7. Mini-Grant Steering Committee

No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Alaska Bycatch Review Task Force meeting; and an upcoming subcommittee meeting.
- Participated with the third-grade field trip for the Johnson Lake fish release.
- Reminded everyone to keep an eye on the State of Alaska House budget.

J. ADMINISTRATION REPORTS

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

- Thanked the Council for approving Resolution 2022-34; provided an updated regarding additional funding for spruce bark beetle mitigation and possible required matching funds.
- Meeting with Senator Sullivan to discuss the Bluff Erosion project and funding sources if the project is removed from the State budget.
- Continued work on the NFIP Program and the needed amendments to code.

2. City Attorney – City Attorney Bloom – No report.

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

- Clarified that there was no previous action of the Council to establish a sunset date for remote meeting participation.

K. ADDITIONAL PUBLIC COMMENTS

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

Marion Nelson reported the board had selected officers and provided an update regarding the next show.

2. Council Comments

Council Member Petty thanked everyone who commented on behalf of the Boys and Girls Club and the people who volunteered to serve on commissions. She reported on her meeting with Senator Sullivan and their conversation regarding rank choice voting.

Student Representative Thibodeau that it was the last day of school; his participating playing in the band during the graduation ceremony; and provided a sports update.

Council Member Sounart thanked everyone who commented on behalf of the Boys and Girls Club; noted she was also able to meet with Senator Sullivan.

Vice Mayor Glendening stated it was good to be home and that he was looking forward to the Employee Appreciation Event.

Council Member Winger thanked everyone who had participated in the meeting; noted her appreciation for the budget process and the budget work session; congratulated all of the graduates.

Council Member Baisden congratulated the Kenai Central High School Class of 2022.

Mayor Gabriel reminded everyone about the upcoming Memorial events in our community.

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 10:59 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of May 18, 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.*