

Vice Mayor Glendening 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. "Introduction to Executive Director" Peter Evon, Executive Director of the Kenaitze Indian Tribe.

[Clerk's Note: Mr. Evon was unable to attend the meeting.]

C. UNSCHEDULED PUBLIC COMMENTS

Rick Baldwin addressed the Council regarding the name of the Multi-Purpose facility, stating that the name should more clearly represent its use as an Ice Rink.

D. PUBLIC HEARINGS

1. **Ordinance No. 3295-2022** – Amending the Official Zoning Map by Rezoning Certain Parcels Southeast of Beaver Loop Road along Basin View Way, Kim N Ang Court, Cub Court, Ames Road, and Dolchok Lane from Rural Residential to Rural Residential-1. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3295-2022. Council Member Pettey **SECONDED** the motion.

Vice Mayor Glendening opened the floor for public comment.

Chuck Eubank spoke in opposition to Ordinance 3295-2022 stating that he had been a resident of the subdivision for 38-years, one the first homes built in it. He felt this was a case of spot zoning which was in violation of the 14th amendment of the constitution, which provided that persons similarly located or situated should be treated alike, which is not the case as two properties adjacent currently have conditional use permits and will continue to have them; he noted his property had the same Beaver Creek frontage and would not be able to get a conditional use permit. He stated concerns with the potential increase of taxes and devaluation of the property.

Jerry Huff spoke in support of Ordinance 3295-2022 noting the rezoning process was initiated in response to an application for a conditional use permit to allow a lodge and guide serves; he noted this joined 75 properties together and represented an effort of the property owners to keep Beaver Creek as it is now quiet, peaceful and a residential neighborhood. He clarified that the neighborhood did not want to be a business area for 120-days each year; and he felt lodging and guide services in the neighborhood would lower property values as well as the livability of the neighborhood.

Keturah Costello read a letter on behalf of her mother Charlotte Coots which identified her reasons for moving into the City being the property was zoned rural residential and the regulations established in the covenants; these two items would allow the neighborhood to remain a neighborhood and be protected from business traffic, noise, congestion, litter and trespassing; we were also pleased to see a no river access sign on Dolchok. The neighborhood banned together and obtained signatures from a majority of the property owners to rezone to prevent a conditional use permit being given for guide service and vacation lodge in our neighborhood.

Mack Padgett spoke in support of Ordinance 3295-2022 noting that Beaver Creek is what makes this a community and as a community they will continue taking efforts to avoid any more conditional use permits on Beaver Creek.

Rick Baldwin spoken in support of Ordinance 3295-2022 noting that the subdivision covenants only protected the neighbors under the covenants and enforcement of the covenants would mean neighbors suing neighbors; a rezone of the neighborhood would place enforcement in the hands of the City.

It was clarified that the process of rezoning required a majority of the landowners in the area proposed for rezoning, sign a petition; in this case there were 46 signatures which was greater than 50-percent allowing the petition to go forward to the Planning Commission; the Commission unanimously recommended Council approve the rezoning; the existing conditional use permits will be considered non-conforming use, but allowed to continue. Spot zoning was generally when it was less than two acres, the proposed rezone by definition would not qualify as spot zoning.

There was discussion regarding how the conditional permit use process could be improved.

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

VOTE:

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

NAY: None

MOTION PASSED.

- 2. Resolution No. 2022-52** – Authorizing a Contract Award to Supply Operational Chemicals for the City’s Water Treatment and Wastewater Treatment Facilities. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-52. Council Member Pettey **SECONDED** the motion.

Vice Mayor Glendening 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.**

- 3. Resolution No. 2022-53** – Authorizing a Service Agreement for the Personal Use Fishery Dumpsters and Portable Restrooms. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-53. Council Member Pettey **SECONDED** the motion.

Vice Mayor Glendening 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.**

- 4. Resolution No. 2022-54** – Authorizing a Service Contract Extension to Provide Refueling Services for City Facility Fuel Tanks. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-54. Council Member Baisden **SECONDED** the motion.

Vice Mayor Glendening 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.**

5. **Resolution No. 2022-55** – Amending the Facility Management Agreement for Winter Services Provided by Red Line Sports at the City of Kenai Multi-Purpose Facility. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-55. Council Member Baisden **SECONDED** the motion.

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

It was clarified that the facility improvements would be complete in time to have the ice back in by August 1, 2022

UNANIMOUS CONSENT was requested.

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

6. **Resolution No. 2022-56** – Approving Amendments to the Standard Lease Form for the Lease of Airport Reserve Lands Between the City of Kenai and State of Alaska, Department of Transportation & Public Facilities, Division of Facility Services-10 On Lot 4A, FBO Subdivision No. 11. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-56. Council Member Baisden **SECONDED** the motion.

Vice Mayor Glendening 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 lease support of fire suppression efforts in our area; the City being in a strong financial position with the State; and the clear public benefit from this lease. There was also discussion regarding adopting an amended lease for that would be used for future State contracts.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Regular Meeting of June 15, 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** – Special Use Permit to Kenai Chamber of Commerce and Visitor Center to use and operate of the Moosemeat John Cabin. (Administration)

Approved by the consent agenda.

4. ***Action/Approval** – Restaurant Designation Permit Filed by Griffin Golf LLC, D/B/A Kenai Golf Course. (City Clerk)

Approved by the consent agenda.

5. ***Ordinance No. 3296-2022** – Accepting and Appropriating Donations to the Kenai Community Library for the Purchase of Library Materials. (Administration)

Introduced by the consent agenda and Public Hearing set for August 3, 2022.

6. ***Ordinance No. 3297-2022** – Amending Kenai Municipal Code 7.15.090 - Disposal of Surplus or Obsolete Materials and Equipment, to Allow for the Police Department to Dispose of Certain Surplus and Obsolete Materials without Advertisement, Public Opportunity, or Procedures to Obtain the Highest Price. (Administration)

Introduced by the consent agenda and Public Hearing set for August 3, 2022.

7. ***Ordinance No. 3298-2022** – Enacting Kenai Municipal Code Chapter 14.30 - Floodplain Management, within Title 14 - Planning and Zoning, to Regulate Land Use within the Flood Plain and Authorizing the City to Participate in the National Flood Insurance Program. (Administration)

Introduced by the consent agenda and Public Hearing set for August 3, 2022.

8. ***Ordinance No. 3299-2022** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Non-Federal Reimbursable Agreement to Provide Project Support for a Medium Intensity Approach Light System with Runway Alignment Indicator Lights (MALSR) and any Other Impacts from the Kenai Municipal Airport Runway Rehabilitation Project. (Administration)

Introduced by the consent agenda and Public Hearing set for August 3, 2022.

9. **Action/Approval** – City of Kenai Police Department Appointment to the Kenai Peninsula Borough's Emergency Services Communication Advisory Board. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to recommend Kenai Police Chief David Ross to the Kenai Peninsula Borough's Emergency Services Communication Advisory Board and appoint Lt. Ben Langham as the alternative member to the Board. Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report, next meeting August 11, 2022.

2. Airport Commission

No report, next meeting August 11, 2022.

3. Harbor Commission

No report, next meeting August 8, 2022.

4. Parks and Recreation Commission

No report, next meeting August 4, 2022.

5. Planning and Zoning Commission

Council Member Glendening reported on the June 22, 2022 meeting; next meeting July 27, 2022.

6. Beautification Committee

No report, next meeting September 13, 2022.

7. Mini-Grant Steering Committee

No report.

I. REPORT OF THE MAYOR

Vice Mayor Glendening reported on the following:

- On behalf of Mayor Gabriel noted the Independence Day Celebrations were a success.
- Enjoyed this last year serving as Vice Mayor; and was looking forward to the upcoming year working with the Administration.

J. ADMINISTRATION REPORTS

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

- The City was very fortunate to have the interim Planning Department Team we currently have.
- Attendance at the Kenai Peninsula Borough (KPB) Assembly Meeting on June 21, 2022 to testify in support of KPB Ordinance 2022-21, authorizing an agreement for hard rock resource extraction for the Kenai Bluff Stabilization Project.
- Meeting with Department of Transportation staff regarding lighting being installed on the Kenai Spur Highway; connecting the Unity Trail Bike Path on the other side of Beaver Loop; development of underpasses in the City to improve pedestrian connectivity.
- Reported the Slash Disposal site has had 260 visits, clearing an estimated 46-acres.
- Reported the clearing for the Dog Park fence was complete.

2. City Attorney

- No Report

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

- Upcoming Training for the State of Alaska Primary Election.
- Alaska Municipal League Summer Conference scheduled for August.
- City Candidate Nomination Packets would be available mid-July.

K. ADDITIONAL PUBLIC COMMENTS

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

Marion Nelson reported on the upcoming show; noted an agreement had been met regarding an annual schedule; and continued efforts to find grant funding for flooring.

2. Council Comments

Council Member Winger noted she had attended the Car Launch in Glacier View and reminded everyone of the importance of wearing Helmets when riding all-terrain vehicles.

Council Member Pettey noted attending the Mount Marathon Race in Seward and witnessing a new women's record and said she was looking forward to the upcoming public use fishery.

Council Member Baisden on behalf of Council Member Sounart provided schedule update for Triumvirate Theaters Tarzan show and the Kenai Peninsula Orchestra.

Council Member Knackstedt thanked Will Jarig for his vision for the waterfront, noting part of the City's vision was moving forward. He noted the success of the Independence Day Parade.

Vice Mayor Glendening thanked Parks and Recreation Department for their involvement with the Softball Tournament.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

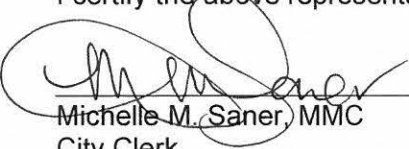
N. **ADJOURNMENT**

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 7:35 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of July 6, 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.*