

**KENAI CITY COUNCIL – REGULAR MEETING
OCTOBER 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 October 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
Teea Winger	Deborah Sounart
Glense 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
Dave Ross, Police Chief
Ben Langham, Lieutenant
Linda Mitchell, Planning Director
Scott Curtin, Public Works Director
Lisa List, Public Works Assistant
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

Add item F.2.	Public Hearing – Resolution No. 2022-64 <ul style="list-style-type: none">• Postponement Memo
Add item J.3.	City Clerk Report <ul style="list-style-type: none">• October 4, 2022 Unofficial Results

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Council Member Pettey **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

1. Scott Hayes, Executive Director of the Oregon Accreditation Alliance, presented the Kenai Police Department with their first award of Accreditation; he provided an overview of the goals established within the accreditation process.

There was discussion regarding this being one step toward building trust in our community; the 106 standards that the Kenai Police Department (KPD) must adhere to in order to maintain accreditation; and that this ensures that KPD Officers know the policies and procedures in place and are in line with best practices established within national standards.

C. UNSCHEDULED PUBLIC COMMENTS

Susan Smalley addressed the Council regarding her withdrawal as an Election Official; stated that she had never worked an election when a family member was on the ballot, nor did a family member run a write-in campaign while she was working as an official; and if anyone had concerns they could file a complaint with the Division of Elections.

Chera Wackler addressed the Council regarding the Peninsula Period Network a 501(c)(3) non-profit; stating it was a community lead volunteer organization dedicated to ending period poverty and reducing trauma associated with not having ready access to safe, hygienic period products; and the goal of the organization was to ensure period products were available in local schools.

Marion Nelson provided an update on the Biennial Juried show opening on October 6, 2022 and noted the success of the Harvest Auction.

D. PUBLIC HEARINGS

1. **Ordinance No. 3317-2022** - Increasing Estimated Revenues and Appropriations in the Airport Fund and Appropriating Funds in the Airport Snow Removal Equipment Capital Project Fund for the Purchase of Snow Removal Equipment Attachments and Installation of a Gate. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3317-2022. 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.

Clarification was provided that Resolution 2022-67 adopted at the September 21, 2022 meeting authorized the City Manager to execute the grant agreement and this would accept those funds.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

- 2. Resolution No. 2022-70** - Authorizing Changes to the Payment Terms of the Set Net Drive Street Improvement Special Assessment District, the Aliak, Mccollum, Japonski Streets Improvement Special Assessment District, the Thompson Park, Beaver Creek Alaska, Mack, Valhalla Heights and Sunset Rim Subdivisions Street Improvement Special Assessment District, the South Ames Road LID Street Improvement District, and the James Street and Kiana Lane Improvement Special Assessment District in an Effort to Resolve the Remaining Delinquent Accounts of the Districts. (Administration)

MOTION:

Council Member Baisden **MOVED** to adopt Resolution No. 2022-70. Council Member Knackstedt **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 liens were in place and this would not forgive the current balance, it would freeze the current balance and discontinue interest and penalty if the property owners entered into an agreement and payment terms.

MOTION:

Council Member Winger **MOVED** to amend Resolution No. 2022-70 to include provisions that the first payment was due upon entering the agreement. Vice Mayor Glendening **SECONDED** the motion.

There was discussion regarding requiring a payment upon entering the agreement may be a deterrent for some and that the intent of the ordinance resolve the delinquencies.

Council Member Winger requested **WITHDRAWAL** of the motion to amend, Vice Mayor Glendening **CONSENTED** to the withdrawal. (KMC 1.15.060(o))

UNANIMOUS CONSENT was requested.

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

- 3. Resolution No. 2022-71** - Authorizing the City Manager to Execute a Grant from the Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs for the Kenai Bluff Stabilization Project. (Administration)

MOTION:

Council Member Baisden **MOVED** to adopt Resolution No. 2022-71. 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.

Clarification was provided that this would authorize the City Manager to execute the grant; the bid process would begin in April 2023; and projected to award in June 2023.

UNANIMOUS CONSENT was requested.

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

- 4. Resolution No. 2022-72** - Authorizing a Budget Transfer on the General Fund Decreasing City Manager Contingency, Increasing Non-Departmental Professional Services, and Authorizing a Change to a Purchase Order to Larson Engineering & Design for Tower Study. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-72. 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.

Clarification was provided that this would allow further investigation to determine the structural strength of the guy wire anchor points, which was not included in the original scope of the tower analysis.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. Joint Work Session of September 21, 2022. (City Clerk)
2. *Regular Meeting of September 21, 2022. (City Clerk)

F. UNFINISHED BUSINESS

- 1. Ordinance No. 3316-2022** - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Further Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process. (Glendening)

[Clerk's Note: At the September 21, 2022 City Council Meeting, this Ordinance was Postponed to this Meeting; a Motions to Enact and a Motion to Amend are on the Floor.]

Mayor Gabriel opened the floor for public comment.

Alex Douthit, Vice Chair of the Planning and Zoning Commission spoke in support of the ordinance, noting that the commission had reviewed it at their last meeting; it defined for new commissioners what they could do and provided more clarification on a few things.

There was discussion regarding whether or not the new language clarified what the commission could or could not do; that the ordinance did not change the functions of the code; and that conditional use permits were frequently contested and the additional clarification would be helpful.

Jeff Twait, Chair of the Planning and Zoning Commission spoke in support of the ordinance, noting that the ordinance did not change much; he stated concerns regarding some of the proposed language as it may make it easier for individuals to file an appeal.

There was discussion regarding the possibility of placing the clarification in a policy rather than code; the need for additional commissioner training and an orientation process for new commissioners; and the training opportunities available at the Alaska Municipal League Conference.

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

Council discussion resumed on the motion to Amend Ordinance 3316-2022, Section 1 paragraph 14.20.150(a) to delete the proposed new language. The motion as follows was **MOVED** by Council

Member Knackstedt and **SECONDED** by Council Member Pettey at the September 21, 2022 City Council Meeting:

"Intent. It is recognized that there are some uses that may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the impact of the proposed use on surrounding property and the application of controls and safeguards to assure that the proposed use will be compatible with the surroundings. The Commission may permit this type of use if the conditions and requirements listed in this chapter are met. The conditional uses are listed in the Land Use Table. Before a conditional use permit may be granted, the procedures specified in this chapter must be followed. The grant, denial, modification, or revocation of a conditional use permit is discretionary [BUT MUST BE BASED ON FINDINGS SUPPORTED BY SUBSTANTIAL EVIDENCE AND CITY ORDINANCES]."

Council Member Knackstedt requested **WITHDRAWAL** of the motion to amend, Council Member Pettey **CONSENTED** to the withdrawal. (KMC 1.15.060(o))

VOTE:

YEA: Winger, Baisden, Glendening, Sounart

NAY: Gabriel, Knackstedt, Pettey

**Student Representative Thibodeau: YEA

MOTION PASSED.

2. **Resolution No. 2022-64** - Approving the Renewal of a Lease Utilizing a Non-Standard Lease Form on Airport Reserve Lands Between the City of Kenai and the Federal Aviation Administration for the Automated Flight Service Station and Satellite Communication Network Facilities on Lot 7A-1 FBO Subdivision No. 5. (Administration)

[Clerk's Note: At the September 21, 2022 City Council Meeting, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.]

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 Administration had requested postponement to the October 19, 2022 meeting.

MOTION TO POSTPONE:

Council Member Knackstedt **MOVED** to postpone Resolution No. 2022-64 to October 19, 2022. Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to postpone.

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

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** – Consent to Assignment and Assumption of Lease Agreement of ADL 37765, ATS 770, to TK Enterprises, LLC. (Administration)

Approved by the consent agenda.

4. ***Ordinance No. 3318-2022** – Renaming and Amending Kenai Municipal Code Chapter 7.30 Land Sale Permanent Funds to Establish the Kenai Senior Center Cone Memorial Trust and Directing All Proceeds Received as a Residual Beneficiary from the Tamara Diane Cone Testamentary Trust to be Deposited into such Fund. (Administration)

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

5. ***Ordinance No. 3319-2022** - Increasing Estimated Revenues and Appropriations in the Kenai Bluff Erosion Capital Project Fund for Construction of the Kenai Bluff Stabilization Project. (Administration)

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

6. Discussion – City Manager Job Description (Mayor Gabriel)

Clarification was provided that the Supervisory Subcommittee would review the job description with the Human Resource Director and bring the revisions back to Council for approval.

There was discussion regarding an additional two weeks before starting the recruitment process and the upcoming holiday schedule would not provide sufficient time for a new manager to spend some time with the current manager.

MAIN MOTION:

Council Member Knackstedt **MOVED** to direct the Supervisory Subcommittee to work with the Human Resource Director on revisions to the City Manager Job Description and to bring the revised job description back at the October 19, 2022 Council Meeting. Council Member Baisden **SECONDED** the motion.

There was discussion regarding using the 2016 job description to initiate the recruitment process and indicate that 2022 job description modifications were pending; the need to establish a salary range and minimum qualifications prior to advertising the position.

There was discussion regarding the use of the 2016 job description to initiate the recruitment process and note on the recruitment notice that 2022 job description modifications were pending; the need to establish a salary range and minimum qualifications prior to release of the recruitment notice.

SECONDARY MOTION:

Council Member Knackstedt **MOVED** that the recruitment notice be advertised with a salary range of Depending on Experience (DOE). Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the secondary motion.

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

SECONDARY MOTION:

Council Member Knackstedt **MOVED** to amend the primary motion as follows:

“Direct the Employee Supervisory Subcommittee to work with the Human Resource Director on revisions to the City Manager job description without further Council approval and bring the revised job description back at the October 19, 2022 Council Meeting.”

Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the secondary motion.

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

Clarification was provided that a yes vote on the primary motion as amended would allow the subcommittee to review and approve the minimum qualifications of the City Manager job description for advertising with a salary range of DOE.

SECONDARY MOTION:

Council Member Baisden **MOVED** to authorize the Supervisory Subcommittee to approve the recruitment notice prior to the Human Resource Director releasing it. Council Member Knackstedt **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the secondary motion.

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

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None

MAIN MOTION AS AMENDED PASSED UNANIMOUSLY.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Knackstedt reported on the September 29, 2022 Work Session, next meeting October 13, 2022.

2. Airport Commission

No report, next meeting October 13, 2022.

3. Harbor Commission

No report, next meeting November 7, 2022.

4. Parks and Recreation Commission

No report, next meeting October 6, 2022.

5. Planning and Zoning Commission

No report, next meeting October 12, 2022.

6. Beautification Committee

Council Member Sounart reminded everyone about the Pumpkin Festival scheduled for Saturday, October 8, 2022, next meeting October 11, 2022.

7. Mini-Grant Steering Committee

Mayor Gabriel reported that an application had been received and a meeting would be scheduled.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Second Annual Pumpkin drop would be on Saturday.
- BDO is currently performing the annual audit.
- Attended the Harvest Auction and it was awesome.
- Stated his appreciation for all of the Election workers and thanked his supporters.

J. ADMINISTRATION REPORTS

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

- Leadership training on Monday and the second session would be on Thursday.
- Resignation of the Kenai Chamber of Commerce Director.
- Changes to the options for Employee Health Care.

- Update on the Spruce Bark Beetle Mitigation RFP.

There was discussion regarding street light maintenance; an update on the Dog Park development and ongoing projects in the Public Works Department.

2. City Attorney – City Attorney Bloom – None.
3. City Clerk – City Clerk Saner reported on the following:
 - October 4, 2022 Unofficial Election Results.
 - Election night procedures.

K. ADDITIONAL PUBLIC COMMENTS

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

Council Member Pettey noted her attendance at the Harvest Auction; thanked all Election Officials, those who voted and those who helped with her campaign.

Council Member Sounart noted that although working as an Election Official was a long day, it was also a great day and that the real work begins after the polls close; and she thanked the Clerk's Office for their part in the election process.

Council Member Winger noted that she worked as a volunteer for the Kenai River Marathon and although it was not a Boston qualifier people still traveled from out of state to participate; reminded everyone of the upcoming fall events; thanked all of the Election Officials; congratulated Alex Douthit on his election; and on behalf of Student Representative Thibodeau she reported that Homecoming week was a success.

Vice Mayor Glendening reminisced his time serving on the Council and noted that he was grateful for the opportunity to work with others.

Council Member Baisden thanked the Election Officials and those who ran for office; he reported that the Volley Ball Booster raised \$16,000 towards fighting cancer.

Council Member Knackstedt thanked the Election Officials; he thanked Susan Smalley for her years of service working as an Election Official; and the Planning Commissioners who testified.

L. EXECUTIVE SESSION – None.

M. PENDING ITEMS – None.

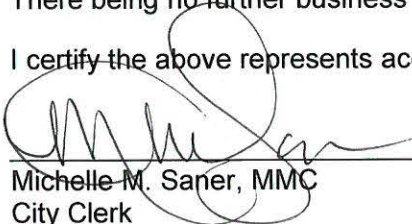
N. ADJOURNMENT

O. INFORMATIONAL ITEMS

1. Purchase Orders Between \$2,500 and \$15,000.
2. CIRCAC Director's Report

There being no further business before the Council, the meeting was adjourned at 9:13 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of October 5, 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.*

