

**KENAI CITY COUNCIL – REGULAR MEETING
DECEMBER 21, 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 December 21, 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, Vice Mayor
Teea Winger (<i>remote participation</i>)	Deborah Sounart
Alex Douthit	Victoria Askin (<i>remote participation</i>)
Henry Knackstedt	

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager
Scott Bloom, City Attorney
Terry Eubanks, Finance Director
Scott Curtin, Public Works Director
Dave Ross, Police Chief
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- | | |
|----------------|--|
| Add item D.1. | Public Hearing – Ordinance No. 3321-2022 Substitute <ul style="list-style-type: none">• Amendment Memo |
| Add item G.15. | Action/Approval <ul style="list-style-type: none">• Letter Supporting Central Peninsula Hospital Recovery Housing |

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions and to suspend the rule to conduct the public hearings on Agenda Items D. 4. Resolution No. 2022-78 and D. 9. Resolution No. 2022-83 prior to Agenda Item D. 1. Ordinance No. 3321-2022. Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on approval of the agenda as amended.

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

4. Consent Agenda

MOTION:

Council Member Knackstedt **MOVED** to approve the consent agenda. Vice Mayor 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 – None.

D. PUBLIC HEARINGS

4. Resolution No. 2022-78 – Commending the Kenai Central High School Girls as the Alaska Division 3A State Girls Volleyball Champions for the Year 2022. (Baisden)

MOTION:

Vice Mayor Baisden **MOVED** to adopt Resolution No. 2022-78. 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 congratulating the team and recognizing their undefeated season.

UNANIMOUS CONSENT was requested.

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

[Vice Mayor Baisden presented the Kenai Central High School Girls Volleyball Coaches and Team Members with the commending resolution.]

9. Resolution No. 2022-83 - Requesting the Governor of the State of Alaska Declare an Economic Disaster for 2021 and 2022 for the Upper Cook Inlet East Side Set Net Fishery and Supporting a Recovery Plan. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-83. Council Member Sounart **SECONDED** the motion.

[Mayor Gabriel passed the gavel to Vice Mayor Baisden and declared a possible conflict with Resolution No. 2022-83 as he is an Upper Cook Inlet East Side Set Net Fisherman; Vice Mayor Baisden ruled a conflict did exist and Mayor Gabriel abstained from discussion and voting on Resolution No. 2022-83.]

Vice Mayor Baisden opened the floor for public comment.

Ken Coleman addressed the Council thanking them for previously adopted legislation which requested more fishing time; and noted if an economic disaster is declared by the Governor it would be the fourth time and the economic disaster was not due to lack of resources, it was due to regulations.

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

VOTE:

YEA: Douthit, Sounart, Knackstedt, Askin, Winger, Baisden

NAY: None

ABSTENTION: Gabriel

MOTION PASSED.

1. **Ordinance No. 3321-2022** - Repealing Kenai Municipal Code Sections 13.30.030- Night Parking Prohibited, 13.30.050- Signs Bearing the Legend, and 13.30.100- Parking Prohibited on Kenai Avenue, and Reenacting and Renaming Kenai Municipal Code 13.30.030- Street Parking Prohibitions, to Allow Greater Flexibility in Regulating Street Parking in the City. (Legal)

- **Substitute Ordinance No. 3321-2022** - Repealing Kenai Municipal Code Sections 13.30.030 - Night Parking Prohibited, 13.30.050 - Signs Bearing the Legend, and 13.30.095 - Parking Prohibited on Kenai Avenue, and Reenacting and Renaming Kenai Municipal Code 13.30.030 - Street Parking Prohibitions, to Allow Greater Flexibility in Regulating Street Parking in the City. (Legal)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3321-2022. Vice Mayor 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:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3321-2022 by Substitute Ordinance No. 3321-2022. Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend by substitute.

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

MOTION:

Council Member Knackstedt **MOVED** to amend Substitute Ordinance No. 3321-2022, Section 1 to identify that Section 1 would amend and rename Section 13.30.030 of Kenai Municipal Code, and to retain the language proposed for deletion:

“Section 1. Amend and [REPEAL,]Rename [AND REENACT] Section 13.30.030 of Kenai Municipal Code: That Kenai Municipal Code, Section 13.30.030 - Night parking prohibited, is hereby [REPEALED,] amended and renamed[, AND REENACTED] as follows:

13.30.030 Street Parking Prohibitions.

After October 1st of each fall and until May 1st of the following year, no person shall leave any vehicle unattended on any City street between the hours of 4:00 a.m. and 8:00 a.m. of any day. The City Manager or designee will designate street parking restrictions in the City effective after posting of signage sufficient to provide reasonable public notice. Changes to street parking in the City will be reported to the City Council as soon as practicable.”

Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend the substitute ordinance.

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

There was discussion regarding providing notice to areas where parking regulations would change; the number of signs that would require updating if the prohibited on street parking times were changed; and the essential use of on street parking for some residential areas and businesses.

VOTE ON SUBSTITUTE AS AMENDED:

YEA: Knackstedt, Askin, Winger, Baisden, Gabriel, Douthit, Sounart

NAY: None

SUBSTITUTE AS AMENDED PASSED UNANIMOUSLY.

2. **Ordinance No. 3322-2022** - Increasing Estimated Revenues and Appropriations in the General Fund for Costs in Excess of Budgeted Amounts for Public Works Street Lighting Repairs and Maintenance. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3322-2022. 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 in support of ongoing street light repairs and that the State of Alaska, Department of Transportation was notified regarding the lights that are out on the Kenai Spur Highway.

VOTE:

YEA: Askin, Winger, Baisden, Gabriel, Douthit, Sounart, Knackstedt

NAY: None

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3323-2022** - Accepting and Appropriating Grants from the U.S. Department of Homeland Security Passed Through the State of Alaska Department of Military and Veterans' Affairs for the Purchases of Public Safety Radios, Police In-Car Video Systems, and a Cyber Security Assessment. (Administration)

MOTION:

Vice Mayor Baisden **MOVED** to enact Ordinance No. 3323-2022. 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.

It was reported that this was the seventh grant over the last six years and would finish the radio replacements; and the system could be switched on manually or was switched on automatically based on events such as turning on the sirens.

VOTE:

YEA: Winger, Baisden, Gabriel, Douthit, Sounart, Knackstedt, Askin

NAY: None

MOTION PASSED UNANIMOUSLY.

5. **Resolution No. 2022-79** - Approving the Purchase of Motorola Mobile Radios for the Police and Fire Departments Under a Sole Source Purchase from Motorola Solutions Using NASPO Valuepoint Contract Pricing. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-79. Vice Mayor 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 this would purchase the radios with the grant funds that were accepted and appropriated in the previously enacted ordinance.

UNANIMOUS CONSENT was requested.

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

6. **Resolution No. 2022-80** - Authorizing the Purchase of Watchguard Police In-Car Video Systems Under a Sole Source Purchase from Motorola Solutions Using NASPO Valuepoint Contract Pricing. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-80. Vice Mayor 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.

UNANIMOUS CONSENT was requested.

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

7. **Resolution No. 2022-81** - Amending the City of Kenai Schedule of Rates, Charges and Fees by Adding a Fee for City League Basketball. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-81. 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.

UNANIMOUS CONSENT was requested.

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

8. **Resolution No. 2022-82** - Authorizing a Service Contract and Corresponding Purchase Order for the 2022 Community Wildfire Protection Plan Mitigation Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-82. 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 requirement to obtain permission from the Kenai Peninsula Borough prior to removing any trees within 50-feet of an anadromous stream; options available for public use for firewood; and the Special Use Permit requirement for commercial harvesting of the fallen trees.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Special Meeting of November 10, 2022. (City Clerk)
2. *Special Meeting of November 16, 2022. (City Clerk)
3. *Work Session of November 16, 2022. (City Clerk)
4. *Regular Meeting of November 16, 2022. (City Clerk)
5. *Special Meeting of November 22, 2022. (City Clerk)
6. *Special Meeting of November 28, 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 - Special Use Permit to American Red Cross of Alaska for General Office Space at the Alaska Regional Fire Training Center. (Administration)

Approved by the consent agenda.

3. *Action/Approval - Special Use Permit to Alaska Sure Seal, Inc. for Snow Storage. (Administration)

Approved by the consent agenda.

4. *Action/Approval - Special Use Permit to Schillings Alaska, Inc. for Snow Storage. (Administration)

Approved by the consent agenda.

5. *Ordinance No. 3324-2022 - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing the Purchase of Airport Snow Removal Equipment. (Administration)

Introduced by the consent agenda and Public Hearing set for January 4, 2023.

6. *Ordinance No. 3325-2022 - Accepting and Appropriating Donations to the Kenai Community Library for the Purchase of Program Supplies and Equipment. (Administration)

Introduced by the consent agenda and Public Hearing set for January 4, 2023.

7. *Ordinance No. 3326-2022 - Increasing Estimated Revenues and Appropriations in the General Fund Parks, Recreation and Beautification Department, and Authorizing an Increase to the Multi-Purpose Facility Management Services Purchase Order to Red Line Sports for Additional Ice Maintenance Services. (Administration)

Introduced by the consent agenda and Public Hearing set for January 4, 2023.

8. *Ordinance No. 3327-2022 - Increasing and Decreasing Estimated Revenues and Appropriations to Reallocate Grant Funds Previously Appropriated for Construction of a Pedestrian Bridge in the Kenai Municipal Park to Playground Equipment Replacement at the Softball Greenstrip. (Administration)

Introduced by the consent agenda and Public Hearing set for January 4, 2023.

9. *Ordinance No. 3328-2022 - Increasing Estimated Revenues and Appropriations in the Airport Snow Removal Equipment Capital Project Fund to Provide Supplemental Funding for the Kenai Municipal Airport's Snowblower and Increasing the Existing Purchase Order to Craig Taylor Equipment. (Administration)

Introduced by the consent agenda and Public Hearing set for January 4, 2023.

10. *Ordinance No. 3329-2022 - Increasing Estimated Revenues and Appropriations in the General and Visitor Center Improvement Capital Project Funds to Provide Supplemental Funding for the Roof Replacement Project. (Administration)

Introduced by the consent agenda and Public Hearing set for January 4, 2023.

11. *Ordinance No. 3330-2022 - Increasing Estimated Revenues and Appropriations in the General and Recreation Center Improvement Capital Project Funds to Provide Supplemental Funding for the Kenai Recreation Center Improvements Project. (Administration)

Introduced by the consent agenda and Public Hearing set for January 4, 2023.

12. Action/Approval - Approving an Employment Agreement Between the City of Kenai and City Manager Terry Eubank. (City Council)

MOTION:

Council Member Knackstedt **MOVED** to approve an Employment Agreement between the City of Kenai and City Manager Terry Eubank. Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion.

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

13. Action/Approval - Commission and Committee Appointments. (Administration)

Three-year terms beginning January 1, 2023 and ending on December 31, 2025:

- Airport Commission: James Bielefeld and James Zirul
- Beautification Committee: Sarah Douthit, Emily Heale and Christina Warner
- Council on Aging: Velda Geller and Barbara Modigh
- Harbor Commission: Christine Hutchison
- Parks & Recreation Commission: Sovala Kisena and Kyle Graham

MOTION:

Council Member Knackstedt **MOVED** to confirm the Mayoral nomination of applicants for appointment to Commissions and Committees. Vice Mayor Baisden **SECONDED** the motion.

It was reported that the Council on Aging and Harbor Commission still both had one vacancy and recruitment would be ongoing until the vacancies were filled.

UNANIMOUS CONSENT was requested on the motion.

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

14. Action/Approval - Authorizing the City Manager to Execute a Memorandum of Understanding between the Kenaitze Indian Tribe and the City of Kenai Fire Department. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to authorize the City Manager to execute the Memorandum of Understanding. Council Member Sounart **SECONDED** the motion.

It was reported that this would formalize practices that were already in place and allow the Kenaitze Indian Tribe to apply for grants on behalf of the Kenai Fire Department.

UNANIMOUS CONSENT was requested on the motion.

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

15. Action/Approval – Authorizing the Issuance of a Letter Supporting the Efforts of Central Peninsula Hospital’s Grant Application for State of Alaska Opioid Response: Recover Housing. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to authorize the issuance of a letter of support. Vice Mayor Baisden **SECONDED** the motion.

It was reported that the grant would support continued operations of the existing facility.

UNANIMOUS CONSENT was requested on the motion.

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

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Sounart reported on the December 12, 2022 work session, next meeting January 12, 2023.

2. Airport Commission

Council Member Knackstedt reported on the December 8, 2022 meeting, next meeting January 12, 2023.

3. Harbor Commission

No report, next meeting February 6, 2023.

4. Parks and Recreation Commission

No report, next meeting January 5, 2023.

5. Planning and Zoning Commission

Vice Mayor Baisden reported on the December 14, 2022 meeting, next meeting December 28, 2022.

6. Beautification Committee

No report, next meeting January 10, 2023.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Christmas comes to Kenai was a great event and the fireworks were amazing.
- Attending the Alaska Municipal League Annual Conference in Anchorage.
- Testifying at the North Pacific Fishery Management meeting.
- Attending the Christmas at the Airport Event, noting he enjoyed the event and Council Member Sounart's Band Ensemble.
- The December 17, 2022 Wreaths Across America could not be placed on the interment locations due to the snow level so the wreaths were hung on the cemetery fence and it was very well done.

J. ADMINISTRATION REPORTS

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

- Parks & Recreation Department staff working diligently to provide access through the snow levels to an interment site for a funeral.
- Meeting with Kyle Graham regarding a culvert on Cemetery Creek that needs to be replaced to protect the habitat; and Cemetery Creek is the largest producer of Coho and Chinook fry in the lower Kenai River.
- Meeting with staff from the offices of Representative Peltola, and Senator's Murkowski and Sullivan brining them up to date on the Bluff Stabilization project.
- Meeting with Kenai Peninsula Borough Mayor Navarre regarding Senior Center funding, which will change based on the census data; Wildwood Drive and the need for additional funding for the project; and Animal Control issues with borough animals.
- Meeting with Kenai Peninsula Animal Lovers (KPAL) regarding animal control issues outside of the City; the issue is not a City issue it is a borough issue and the borough has not spent any funds on animal control.
- The snow removal by our crew was inspiring during the event last week and that the City does everything they can to try and not create berms at the end of the driveways; however, berms are the property owner's responsibility.
- The Senior Center Subaru was in an accident, no injuries.
- Provided an update on the Bluff Erosion Project.

2. City Attorney – No report.
3. City Clerk – No report.

K. ADDITIONAL PUBLIC COMMENTS

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

Council Member Askin noted she was in Montana and snowed in with a negative 61-degree temperature; thanked Council Member Knackstedt for filling in with at Airport Commission meeting; and wished everyone a Merry Christmas.

Council Member Winger congratulated the volleyball team; reported attending the Christmas comes to Kenai event; provided an update on the local wrestling teams; and thanked the streets crews for their work keeping up with the snow.

Council Member Douthit reported attending the Christmas comes to Kenai event and winning first place in the float competition; attending the Alaska Municipal League Annual Conference; thanked the Streets Department; and wished everyone a Merry Christmas.

Council Member Sounart thanked the Streets Department and wished everyone a Merry Christmas.

Vice Mayor Baisden thanked the volleyball team for attending and wished everyone a Merry Christmas.

Council Member Knackstedt thanked the Streets Department; reported attending the Alaska Municipal League Annual Conference; the Christmas at the Airport Event; and on behalf of Marion Nelson the floor grinding at the Art Center was in progress.

L. EXECUTIVE SESSION – None.

M. PENDING ITEMS – None.

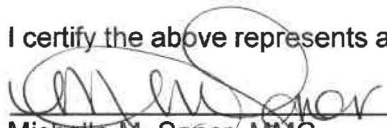
N. ADJOURNMENT

O. INFORMATIONAL ITEMS

1. CIRCAC Directors Report

There being no further business before the Council, the meeting was adjourned at 8:00 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of December 21, 2022.



Michelle M. Sauer, 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.**