

**KENAI CITY COUNCIL – REGULAR MEETING  
FEBRUARY 1, 2023 – 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 February 1, 2023, 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	Deborah Sounart
Alex Douthit	Victoria Askin
Henry Knackstedt	

A quorum was present.

Also in attendance were:

Terry Eubank, City Manager  
Scott Bloom, City Attorney  
Tony Prior, Fire Chief  
Jeremy Hamilton, Fire Marshal  
Dave Ross, Police Chief  
Jessica Hendrickson, Chief Animal Control Officer  
Linda Mitchel, Planning Director  
Scott Curtin, Public Works Director  
Don Hendrickson, Building Official  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

- |               |  |
|---------------|--|
| Add item D.1. | <b>Public Hearing – Ordinance No. 3332-2023</b> <ul style="list-style-type: none"><li>• Public Comments</li></ul>                          |
| Add item D.5. | <b>Public Hearing – Resolution No. 2023-05</b> <ul style="list-style-type: none"><li>• Capital Improvement Plan Corrections Memo</li></ul> |
| Add item O.   | <b>Informational Items</b> <ul style="list-style-type: none"><li>• Operation Children First flyer</li></ul>                                |

**MOTION:**

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Council Member Askin **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 Douthit **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. City of Kenai Marketing Presentation, by Coy West, CEO and Founder of Divining Point.**

Coy West, CEO of Diving Point provided a summary overview of his marketing agency's previous work for the City of Kenai and provided a marketing update on Kenai's "Best Place to ALASKA" campaign over the last year; noting the goal is to bring as many people to the City to either become part of the community or enjoy their stay while visiting.

There was discussion regarding the marketing campaign and the availability of print materials in other locations within the State.

##### **2. College Campus Update, Dr. Keith Hamilton, President of the Alaska Christian College.**

Dr. Keith Hamilton, President of the Alaska Christian College provided an annual update on the progress of the college; noting it was now an accredited bible college; most students are Alaskans; the college is located on 29.5 acres with 20 buildings mostly built by volunteer labor; and the ability conference centers ability to host and house conference attendees.

There was discussion regarding the community service requirements of the students and contributions having been made to our community by the students.

#### **C. UNSCHEDULED PUBLIC COMMENTS - None.**

#### **D. PUBLIC HEARINGS**

- 1. Ordinance No. 3332-2023** - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai. (Douthit and Winger) *[01/04/23 Introduced by Council; Referred for recommendation to the 01/25/23 Planning and Zoning Commission Meeting; Public Hearing by Council Scheduled for 02/01/23.]*

*[Clerk's Note: The motion to enact Ordinance 3332-2023 was on the floor from the January 4, 2023 meeting.]*

Mayor Gabriel opened the floor for public comment.

Dan Conetta (resident) addressed the Council in opposition to Ordinance No. 3332-2023, noting the proposal only considers the interests of those who want to raise chickens and not the needs of the entire residential community; the potential to compromise the integrity of the neighborhood; and that the ordinance was not balanced and had not been thoroughly discussed.

Ron Isaac (resident) addressed the Council in opposition to Ordinance No. 3332-2023, noting concerns with potential impact to residents related to noise and property damage; the difficulty in keeping track of the number of chickens without a conditional use permit requirement; and it was his opinion that additional problems will arise if the ordinance approved.

Anthony Ruiz (resident) addressed the Council in support of Ordinance No. 3332-2023, noting it would help allow individuals to provide for themselves; everyone should have the right to be self-sufficient by providing for themselves, regardless of their property size; and the current ordinance is inhumane and only benefits those who can afford groceries.

Bob Molloy (resident) addressed the Council in opposition to Ordinance No. 3332-2023, he requested consideration be given to amendments that would preserve the residential character of the environment and protect public health; he suggested several potential amendments; and noted the ordinance as proposed was absent of regulations for disposal of chicken waste.

Dave Howard (resident) addressed the Council in opposition to Ordinance No. 3332-2023, noted concerns with chickens being kept within the city and the potential impact on wildlife; suggest a permit and fee requirement for keeping chickens; tracking chicken permit holders to ensure proper regulations are followed; keeping chickens in side yards instead of open spaces; and the potential impact to wild birds.

Kristine Schmidt (resident) addressed the Council in opposition to Ordinance No. 3332-2023, requesting postponement so that a Work Session could be held; noted the City of Wasilla regulations regarding keeping chickens; suggested various amendments; and requested the regulations should include standards for chicken shelters and containment.

Barbara Kennedy (resident) addressed the Council in support of Ordinance No. 3332-2023, she recognized that the subject was very controversial for both sides, noting there had been very good compromises and valid points offered by both sides; the division seemed to be based on sustainability and the responsibility of animal raising; hoped the Council could find a way to make most people happy; and stated her appreciation for the Council taking the issue seriously.

Miranda Martin (resident) addressed the Council in support of Ordinance No. 3332-2023, noting the importance of having a sustainable food source; the significance of harvesting eggs for her family; and that not everyone can afford to purchase large pieces of land.

Shelby Fuller (resident) addressed the Council in support of Ordinance No. 3332-2023, noting that the current guidelines for the number of chickens and housing requirements were adequate; her experience shows that cats are more of a nuisance than chickens; the benefits of raising chickens to teach responsibility and self-sustainability; the production of eggs and fertilizer; the ability to provide healthy food for families; and that the current rules were out of date and not in line with the current food supply chain issues.

Jennifer Dunbar (resident) addressed the Council in support of Ordinance No. 3332-2023, noting the difficulty in obtaining food due to high prices and shipping issues; her support for allowing people to provide food for themselves; and allowing chickens would provide freedom and the ability to provide for her family during tough times.

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

*[Clerk's Note: Parliamentary advice was provided regarding non-renewability of a motion during the session.]*

There was discussion regarding referring the Ordinance to the Planning and Zoning Commission for a Work Session; the importance of resolving this issue so that chicks could be ordered; the locations where chicks, feed, fencing and coops could be purchased; and the need for additional work on the ordinance as it was too broad.

**MOTION TO SCHEDULE A JOINT WORK SESSION:**

Council Member Winger **MOVED** to schedule a Joint Work Session with the Planning and Zoning Commission on February 8, 2023 at 5:30 p.m. Council Member Douthit **SECONDED** the motion.

There was discussion regarding allowing the commission to review and recommend without influence from the City Council; and the ability to reach a common goal while working together.

**VOTE ON MOTION TO SCHEDULE A JOINT WORK SESSION:**

YEA: Douthit, Sounart, Winger

NAY: Baisden, Gabriel, Knackstedt, Askin

**MOTION TO SCHEDULE A JOINT WORK SESSION FAILED.**

**MOTION TO POSTPONE AND REFER:**

Council Member Baisden **MOVED** to postpone Ordinance 3332-2023 to March 15, 2023 refer the ordinance to the Planning and Zoning Commission for the purpose of conducting a Planning and Zoning Commission Work Session and schedule a second City Council Public Hearing for March 15, 2023 Council Member Askin **SECONDED** the motion.

There was discussion regarding the materials to be provided to the Planning and Zoning Commission for the Work Session; and allowing enough time for the Planning Commission to review the ordinance and make recommendations.

**MOTION TO AMEND THE MOTION TO POSTPONE AND REFER:**

Council Member Winger **MOVED** to amend the motion to postpone and refer Ordinance 3332-2023 by amending the date postponed to and the second City Council Public Hearing date to March 1, 2023.

**VOTE ON MOTION TO AMEND THE POSTPONEMENT DATE:**

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

NAY: None

**MOTION TO AMEND THE POSTPONE DATE PASSED.**

**VOTE ON MOTION TO POSTPONE AND REFER AS AMENDED:**

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

NAY: None

**MOTION TO POSTPONE AND REFER AS AMENDED PASSED.**

- 2. Ordinance No. 3333-2023** - Amending Kenai Municipal Code 8.05.010 - Adoption of Fire Prevention Standards, and Repealing and Replacing Kenai Municipal Code 8.05.030 - Local Amendments to the 2009 International Fire Code, to Adopt the 2021 International Fire Code with Local Amendments. (Administration)

**MOTION:**

Council Member Askin **MOVED** to enact Ordinance No. 3333-2023. 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 would bring the current adopted standards from the 2009 version to the 2021 with local amendments; and most of the changes were upgrades related to technology.

**VOTE:**

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

NAY: None

**MOTION PASSED.**

3. **Ordinance No. 3334-2023** - Amending Kenai Municipal Code Title 4 - Uniform Codes, to Adopt the 2021 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, Uniform Plumbing Code, International Existing Building Code, International Property Maintenance Code and the 2020 National Electrical Code and Incorporate Local Amendments. (Administration)

**MOTION:**

Vice Mayor Baisden **MOVED** to enact Ordinance No. 3334-2023. Council Member Askin **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 update was recently adopted by the State of Alaska; this process was generally done every three-years; there were no major changes; conversations were held with the local Builders Association; and that City Building Official Don Hendrickson recently received his certification as a Residential Building Inspector.

**VOTE:**

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

NAY: None

**MOTION PASSED.**

4. **Resolution No. 2023-04** - Authorizing a Service Contract and Corresponding Purchase Order to Peninsula Refuse for Fiscal Year 2023 and Fiscal Year 2024 Dumpsters Services for the Waste Water Plant. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-04. 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.**

5. **Resolution No. 2023-05** - Adopting the City's Capital Improvement Plan for Fiscal Years 2024-2028. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-05. Council Member Askin **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 No. 2023-04 to incorporate the narrative corrections as identified in the laydown materials. Council Member Askin **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion to amend.

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

There was discussion regarding the golf course lighting that was included in last years plan was not present in this plan; and that pricing difference between vehicles was due to their purpose and use.

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

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

**E. MINUTES**

1. \*Regular Meeting of January 18, 2023. (City Clerk)

**F. UNFINISHED BUSINESS – None.**

**G. NEW BUSINESS**

1. \***Action/Approval** - Bills to be Ratified. (Administration)

Approved by the consent agenda.

2. \***Ordinance No. 3335-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund Fiscal Year 2023 Budget for Utility Costs Associated with the Alaska Regional Fire Training Center. (Administration)

Introduced by the consent agenda and Public Hearing set for February 15, 2023.

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging

Cancellation of the February 9, 2023, next meeting March 9, 2023.

2. Airport Commission

No report, next meeting February 9, 2023.

3. Harbor Commission

No report, next meeting February 6, 2023.

4. Parks and Recreation Commission

Cancellation of the February 2, 2023, next meeting March 2, 2023.

5. Planning and Zoning Commission

Vice Mayor Baisden reported on the February 25, 2023 meeting.

6. Beautification Committee

The January 10, 2023 meeting was rescheduled to February 21, 2023.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Thanked everyone for their condolences for the passing of his father.
- Attending the Chamber Luncheon, where an over view of the AIDEA Program was given which provided funding opportunities for federal projects when there were funding shortfalls.

**J. ADMINISTRATION REPORTS**

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

- As part of the transition process meeting with all Department Heads to discuss their vision and the City Managers role in that vision.
- Bluff Stabilization Project update.

- The 2022 Kenai Police Office of the Year is Chad Larson; the 2022 Kenai Dispatcher of the Year is McKayla Derkevorkian; the award recipients are selected by their peers.
- The Finance Director position was reopened; the Human Resource Director position closed on January 27, 2023, and the Planning Assistant position closes on Friday.
- Alaska Regional Fire Training Center update.

2. City Attorney – No report.

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

- GIS Cemetery Mapping was complete on the new section.
- Commissions, Committees, and Councils training would be held on February 23, 2023.
- Council adopted policy work session scheduled for February 15, 2023.

**K. ADDITIONAL PUBLIC COMMENTS**

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

Marion Nelson provided an update on the Kenai Fine Art Center, noting the increased use of the back room for work shops since the remodel; and the upcoming “Metal Show” would feature metal art with metal “brass” background music.

2. Council Comments

Council Member Douthit thanked everyone for their participation with Ordinance No. 3332-2023; and noted that the Chamber was still working on filling their vacancies.

Council Member Sounart thanked everyone who participated during the meeting.

Council Member Askin congratulated Chad Larson, McKayla Derkevorkian and Don Hendrickson; and noted she was looking forward to receiving a recommendation on Ordinance No. 3332.2023 from the Planning and Zoning Commission.

Council Member Winger recognized the Kenai Police Department for offering the Self Defense Course; reminded everyone about the adopt a hydrant program; the upcoming Senior Meals on Wheels event; to use caution with moose; and provide a summary of the benefits from Operation Children First Program founded by Matt Brown.

Vice Mayor Baisden agreed with Council Member Winger regarding the Operation Children First Program and Matt Brown who administers the program; he reported that the Kenai Central Highschool hosted a Basketball fundraiser for a young man who is battling leukemia and more than \$40,000 was raised.

**L. EXECUTIVE SESSION - None.**

**M. PENDING ITEMS**

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS - None.**

There being no further business before the Council, the meeting was adjourned at 9:54 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of February 1, 2023.

  
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 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.*