

**KENAI CITY COUNCIL – REGULAR MEETING
APRIL 5, 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 April 5, 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:

- **Silas Thibodeau, Student Representative
- Terry Eubank, City Manager
- Scott Bloom, City Attorney
- Larry Semmens, Temporary Finance Director
- Jessica Hendrickson, Chief Animal Control Officer
- Scott Curtin, Public Works Director
- Kathy Romain, Senior Center Director
- Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Vice Mayor Baisden **SECONDED** the motion.

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

1. Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center.

Samantha Spring, new Executive Director of the Kenai Chamber of Commerce and Visitor Center introduced herself, stated she was looking forward to working with the City and noted that they were working on a volunteer search to establish a list of volunteers for events; working with the Soldotna Chamber of Commerce toward more joint events; and listed upcoming events.

C. UNSCHEDULED PUBLIC COMMENTS

Joe Rizzo, Triumvirate Theater President provided an update regarding the theater project, he noted receiving notification of an additional grant award which brought the current funding for the theater project to \$3.2 million and that the request for proposals for the project would be going out in the following week; and he thanked the City for their support throughout this process.

There was Council discussion regarding the effective process Triumvirate had implemented in recovering from the fire to get to this point for the theater project.

Marion Nelson, Kenai Art Center Board President provided an update regarding the 32nd Annual Kenai Peninsula Borough School District, Juried Student Art Show opening on Friday, and noted that the teachers are the ones who do most of the work for the show.

Kathy Romain, Kenai Senior Center Director reported on the March 31, 2023, March for Meals Event, stating \$15,500 was raised during the dessert auction; already meeting to start working on next years event; and noted her appreciation for all the staff and volunteers who helped make the event a success.

D. PUBLIC HEARINGS

1. **Ordinance No. 3339-2023** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3339-2023. 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.

The City Council recognized the donors and stated their appreciation.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED, UNANIMOUSLY.

2. **Ordinance No. 3340-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3340-2023. 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.

There was discussion regarding how Maddie's Fund was established and appreciation noted for the benefits to our community.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED, UNANIMOUSLY.

3. Ordinance No. 3341-2023 - Accepting and Appropriating a Donation to the Kenai Senior Center. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3341-2023. 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.

Ray and Yen-te Verg-in were introduced, the City Council thanked them for their continued support to the Kenai Senior Center.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED, UNANIMOUSLY.

4. Resolution No. 2023-24 - Supporting State of Alaska Legislative Action Increasing the Base Student Allocation by at Least \$1000 to Adequately Fund and Restore Student School Resources and Learning Opportunities. (Knackstedt)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-24. Council Member Douthit **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Tyson Cox, Kenai Peninsula Borough (KPB) Assembly Representative provided an update on similar legislation in Soldotna, Homer and the State of Alaska House and Senate; noting the challenge the School District has when generating a balanced budget prior to knowing their State funding amount; an increase in the BSA would allow for more consistent budgeting; the proposed cuts this year include managers of pools and theaters and an increase to the student teacher ratio.

City Council and Assembly Representative Cox discussed previous increases to the BSA not keeping up with the rate of inflation; the requested amount of \$1000 still did not keep up with inflation; the actual BSA amount could vary in different areas based on multipliers related to the number of special needs students or if the area was rural; the problem with one-time funding was that it could not be relied on in the following year; an increase to the BSA by the State would cause an increase to the KPB funding cap, which would be an increase to local tax payers; concerns related to where the funds would come from and the State not having a physical plan in place; the lack of explanation of how an increase would provide a positive

effect in the classrooms; and that proposed increase would allow things to remain status quo to address increased costs of utilities, healthcare and other administrative costs.

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

There was Council discussion regarding other municipalities passing similar resolutions; the States constitutional obligation to establish and maintain a public school system; the KPB School District facing a \$1.3 million deficit; there being no meaningful increase in the BSA since 2017; the deficit could result in the elimination or reduction of art, theater, music, foreign language, vocational programs and other important programs; the main point of the resolution was to encourage the legislature to increase funding for education; the fact that the state did not have a physical plan to fund the increase and would either have to spend out of the constitutional budget reserves or the PFD; and the importance of education.

MOTION:

Vice Mayor Baisden **MOVED** to table Resolution No. 2023-24. Council Member Winger **SECONDED** the motion.

VOTE ON MOTION TO TABLE:

YEA: Baisden, Askin, Winger

NAY: Douthit, Knackstedt, Sounart, Gabriel

MOTION TO TABLE FAILED.

VOTE ON MAIN MOTION:

YEA: Knackstedt, Gabriel, Douthit

NAY: Sounart, Winger, Baisden, Askin

**Student Representative Thibodeau: YEA

MAIN MOTION FAILED.

MOTION:

Vice Mayor Baisden **MOVED** to reconsider Resolution No. 2023-24. Council Member Winger **SECONDED** the motion.

VOTE ON MOTION TO RECONSIDER:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION TO RECONSIDER PASSED.

[Clerk's Note: Mayor Gabriel passed the gavel to Vice Mayor Baisden.]

MOTION:

Mayor Gabriel **MOVED** to postpone indefinitely Resolution No. 2023-24. Council Member Winger **SECONDED** the motion.

VOTE ON MOTION TO POSTPONE INDEFINITELY:

YEA: Gabriel, Baisden, Askin, Sounart, Winger

NAY: Douthit, Knackstedt

**Student Representative Thibodeau: NAY

MOTION TO POSTPONE INDEFINITELY PASSED.

- 5. Resolution No. 2023-25 - Authorizing a Construction Contract and Corresponding Purchase Order for the 2023 Kenai Recreation Center Upgrades Project and an Increase to the Existing Design Services Purchase Order for Construction Administration Services. (Administration)**

MOTION:

Council Member Askin **MOVED** to adopt Resolution No. 2023-25. 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 adoption of this resolution would address needed repairs to the Kenai Recreation Center; the lack of roof drains contributed to the deterioration and new roof drains were included in the project; the project included six HVAC roof top units; and completion of this work would safeguard the facility and allow for future interior improvements.

There was discussion regarding the age of the building and if it was prudent to continue repairing it or if it was time to consider a new facility.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Regular Meeting of March 15, 2023. (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 and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)

Approved by the consent agenda.

3. ***Action/Approval** - Non-Objection to the Renewal of a Liquor License for Don Jose’s, LLC., DBA: Don Jose’s Mexican Restaurant - License No. 3039. (City Clerk)

Approved by the consent agenda.

4. ***Ordinance No. 3342-2023** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs in Excess of Budgeted Amounts. (Administration)

Introduced by the consent agenda and Public Hearing set for April 19, 2023.

5. ***Ordinance No. 3343-2023** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administrations)

Introduced by the consent agenda and Public Hearing set for April 19, 2023.

6. ***Ordinance No. 3344-2023** - Amending Kenai Municipal Code Chapter 8.20 - Fireworks Control, by Removing References to City Permits - which are Redundant to the States Firework Display Permit. (Administrations)

Introduced by the consent agenda and Public Hearing set for April 19, 2023.

7. **Action/Approval** - Granting an Easement on Both Sides of Boat Launch Road to the Alaska Department of Transportation in Support of the Bridge Access Road Pavement Preservation Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to authorize the Easement on both sides of Boat Launch Road. Council Member Askin **SECONDED** the motion.

It was clarified that the Department of Transportation would coordinate with the organizations and businesses affected by the project in consideration of the increased tourism traffic during the summer months.

UNANIMOUS CONSENT was requested on the motion.

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

8. **Discussion/Action** - Scheduling a Budget Work Session. (Gabriel)

The budget work session was scheduled for Saturday, April 29, 2023 at 9:00 a.m. in the Kenai City Hall Council Chambers.

9. **Action/Approval** - Scheduling Council Employee Evaluations. (Gabriel)

A Special City Council meeting was scheduled for Thursday, April 27, 2023 at 6:00 p.m. for Council Employee Evaluations in the Kenai City Hall Council Chambers.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report, next meeting April 13, 2023.

2. Airport Commission

Council Member Askin reported on the March 16, 2026 Airport Commission work session.

3. Harbor Commission

No report, next meeting April 10, 2023.

4. Parks and Recreation Commission

April 5, 2023 meeting cancelled, next meeting May 4, 2023.

5. Planning and Zoning Commission

Council Member Knackstedt reported on the March 22, 2023 regular meeting.

6. Beautification Committee

No report, next meeting April 11, 2023.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Participating in the Leeshore Center, Choose Respect Event.
- Meeting with staff and local contractors to discuss the recent building code updates.
- Attending the Kenai Peninsula Transportation Gaps and Solutions meeting to discuss local transportation routes.
- Participating as a Judge in selecting the Boys & Girls Club, Youth of the Year.

- Organizational meeting of the Bycatch Advisory Group, the purpose of the group is to provide guidance for implementation of the Bycatch Task Force recommendations.
- Presenting the Fifth Annual State of the City Address with City Manager Eubank.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Eubank reported on the following:
 - Meeting with new Kenai Visitor Center and Chamber of Commerce Director Samantha Springer.
 - Meeting with Mayor Gabriel and Peter Evon, Executive Director of the Kenaitze Indian tribe to discuss the Old Town Playground updates.
 - Provided an update on the Bluff Stabilization project.
 - Noted his thanks for having Larry Semmens as the temporary Finance Director while working through the FY2024 Budget process.
 - The Personnel Working Group would be requesting a work session with the Council to discuss some recommended changes to the personnel code.
 - Three scheduled interviews for the Finance Director position; Parks and Recreation Director Walker's last day was this week and position was currently being advertised.
 - The City has a booth at the Job Fair this year and the booth would be staffed by Department Heads.
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*)

Tyson Cox, Kenai Peninsula Borough Assembly Representative addressed the Council stating he was disappointed that Resolution 2023-24 supporting an increase to the Base Student Allocation (BSA) did not pass; he felt there was misinformation on the subject; additional students in a class room is a big deal; outlined the positions that are proposed to be cut in the current school district budget; increases to the BSA provided salaries and benefits to teachers; and recommended attending the School Board Finance meetings.

2. Council Comments

Council Member Douthit stated he had a booth at the Job Fair and noted it was a good event with 53 vendors; and he was looking forward to working with Ms. Springer.

Student Representative Thibodeau reported that Kenai Peninsula School bands met for the Mass Band Concert; the baseball and track season are starting up; and the Prom them is Moonlit Nights.

Council Member Sounart thanked Assembly Representative Cox for his comments; congratulated Student Representative Thibodeau for making the Honor Band; and thanked the Kenai Senior Center staff for making the March for Meals such a great event.

Council Member Askin stated she enjoyed the March for Meals event; and thanked Mr. Simmons for stepping in as the temporary Finance Director.

Council Member Winger thanked staff for clearing the track and fields at the high school; thanked Lieutenant Ryan Browning from Homer for providing a class on Parenting in the Digital Age; thanked the Kenai Senior Center for a great event; and welcomed Ms. Springer.

Vice Mayor Baisden stated he felt Council had great data on their decision on Resolution 2023-24; he felt that it was okay for City Council members to have a different opinion on the subject; he understood the process and his issue was with the State and the fact that they do not have a plan in place; and felt this discussion should be with the State elected representation and not with the City Council.

Council Member Knackstedt welcomed Ms. Springer and welcomed Mr. Simmons back; noted he enjoyed the March for Meals event; and he felt the Mayor and Manager Eubank did a fantastic job presenting the State of the City.

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 8:45 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 5, 2023.



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.*