

**KENAI CITY COUNCIL – REGULAR MEETING  
JANUARY 18, 2023 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
VICE MAYOR JAMES BAISDEN, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on January 18, 2023, in City Hall Council Chambers, Kenai, AK. Vice Mayor Baisden called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Vice Mayor Baisden led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

James Baisden, Vice Mayor  
Teea Winger  
Alex Douthit

Henry Knackstedt  
Deborah Sounart  
Victoria Askin

A quorum was present.

Absent:

Brian Gabriel, Mayor

Also in attendance were:

Terry Eubank, City Manager  
Scott Bloom, City Attorney  
Dave Ross, Police Chief  
Linda Mitchell, Planning Director  
Eland Conway, Airport Manager  
Shellie Saner, City Clerk

**3. Agenda Approval**

Vice Mayor Baisden noted the following additions to the Packet:

Add item D.2.

**Public Hearing – Resolution 2023-03**

- Substitute Resolution 2023-03 and Memo

**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 Sounart **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Vice Mayor Baisden 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**

Marion Nelson provided a Kenai Fine Art Center update regarding the flooring project; Rasmuson Grant Cycle and the upcoming Metal Show.

**D. PUBLIC HEARINGS**

1. **Ordinance No. 3331-2023** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of Ballistic Vests. (Administration)

**MOTION:**

Council Member Askin **MOVED** to enact Ordinance No. 3331-2023. Council Member Sounart **SECONDED** the motion.

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

It was reported that the combination of the two grant programs covered the full cost of the Ballistic Vests.

**VOTE:**

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

NAY: None

Absent: Gabriel

**MOTION PASSED, WITHOUT OBJECTION.**

2. **Resolution No. 2023-03** - Amending the City of Kenai's Schedule of Rates, Charges and Fees to Establish New Fees for Conference and Training Rooms at the Alaska Regional Fire Training Center. (Administration)

- **Substitute Resolution No. 2023-03** - Amending the City of Kenai's Schedule of Rates, Charges and Fees to Establish New Fees for Conference and Training Rooms at the Alaska Regional Fire Training Center. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-03. Council Member Douthit **SECONDED** the motion.

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

Council Member Knackstedt **MOVED** to amend Resolution No. 2023-03 by Substitute Resolution No. 2023-03. Council Member Askin **SECONDED** the motion.



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

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

It was reported that the facility was previously managed by Beacon; Beacon was not interested in continuing the contractual relationship; and Beacon would no longer have exclusive use of the facility.

There was discussion regarding rental to other user groups; if Beacon had rented to other user groups; and how the fee schedule had been developed.

**UNANIMOUS CONSENT** was requested.

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

**E. MINUTES**

1. \*Regular Meeting of January 4, 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. 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. (Administrations)

Introduced by the consent agenda and Public Hearing set for February 1, 2023.

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)

Introduced by the consent agenda and Public Hearing set for February 1, 2023.

4. **Action/Approval** - Authorizing the Issuance of a Conditional Letter of Non-Objection for a New Standard Marijuana Cultivation Facility License to Nicholas Mann DBA: Shackleford Investments – License 31826. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to authorize the issuance of a Conditional Letter of Non-Objection. Council Member Douthit **SECONDED** the motion.

Vice Mayor Baisden opened the floor for public comment.

Brad Brown addressed the Council with concerns regarding the location of the facility; its nearness to a residential neighborhood; odors; and property values.

Will Tieaski addressed the Council with concerns regarding the proximity of the school; kids in the area; and odor.

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

There was discussion regarding the possibility of in-home daycare facilities in the neighborhood; the cultivation facility responsibility to be current in state taxes; and that properties within 500 feet were mailed notices during the conditional use permit process in December 2021.

**VOTE:**

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

NAY: None

Absent: Gabriel

**MOTION PASSED, WITHOUT OBJECTION.**

- 5. Action/Approval** - Consent to Assignment and Assumption of Lease Agreement, of ADL 37765, ATS 770, to Riverfront Investments, LLC. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to approve the consent to assignment and assumption of lease agreement. Council Member Askin **SECONDED** the motion.

**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 January 12, 2023 meeting; next meeting February 9, 2023.

**2. Airport Commission**

Council Member Askin reported on the January 12, 2023 meeting; next meeting February 9, 2023.

**3. Harbor Commission**

No report, next meeting February 6, 2023.

**4. Parks and Recreation Commission**

Council Member Knackstedt reported on the January 5, 2023 work session; next meeting February 2, 2023.

**5. Planning and Zoning Commission**

Vice Mayor Baisden reported on the January 11, 2023 work session; next meeting January 25, 2023.

**6. Beautification Committee**

No report, next meeting February 21, 2023.

**I. REPORT OF THE MAYOR - None.**

**J. ADMINISTRATION REPORTS**

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

- Meeting with the Army Corps of Engineers on the Bluff Erosion Project.
- Selling of old computers to the general public through the Library.
- Scheduling second interviews with Finance Director candidates.
- Meeting with the Boys and Girls Club to receive an update on their project.
- Aircraft Rescue and Firefighting (ARFF) training at the Alaska Regional Fire Training Center this summer.



2. City Attorney – City Attorney Bloom reported on the following:
  - Provided an update on the Appeal of Daycare Conditional Use Permit.
3. City Clerk – City Clerk Saner reported on the following:
  - Absentee voting for the Kenai Peninsula Borough Special Election would open October 30, 2023.
  - Committee, Commission and Council training session would be held on February 23, 2023 at the Kenai Chamber of Commerce and Visitor Center from 11:30 a.m. to 5:00 p.m.

**K. ADDITIONAL PUBLIC COMMENTS**

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

Brad Brown continued his comments regarding the proximity of the marijuana cultivation facility to a residential neighborhood.

2. Council Comments

Council Member Douthit reported that the Kenai Chamber of Commerce was still recruiting for the Director and Front Desk vacancies.

Council Member Winger provided an update on Kenai Central High School sports noting the great job by all of the athletes; stated she was looking forward to the March for Meal's event; recommended use of the neighborhood watch program for issues like marijuana cultivation facilities opening nearby; and she was looking forward to the Antique Road Show coming to Anchorage.

**L. EXECUTIVE SESSION - None.**

**M. PENDING ITEMS**

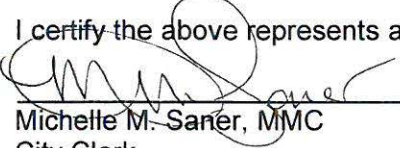
1. **Ordinance No. 3332-2023** - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai. (Douthit) [*Introduced the January 4, 2023 City Council Meeting; Referred to the January 25, 2023 Planning and Zoning Commission Meeting; and Scheduled for Public Hearing during the Council on February 1, 2023.*]

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS - None.**

There being no further business before the Council, the meeting was adjourned at 7:19 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of January 18, 2023.

  
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.**