

**KENAI CITY COUNCIL – REGULAR MEETING
MARCH 15, 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 March 15, 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	Victoria Askin
James Baisden, Vice Mayor	Henry Knackstedt
Deborah Sounart	

A quorum was present.

Absent:

Tea Winger	Alex Douthit
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Also in attendance were:

Tony Prior, Acting City Manager
Scott Bloom, City Attorney (*remote attendance*)
Brad Walker, Parks and Recreation Director
Eland Conway, Airport Manager
Scott Curtin, Public Works Director
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- | | |
|---------------|---|
| Add item D.1. | Public Hearing – Ordinance No. 3338-2023 <ul style="list-style-type: none">• Requested Amendment Memo |
| Add item G.4. | Action/Approval - Special Use Permit to the Fishing Grounds, LLC. <ul style="list-style-type: none">• Requested Amendment 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. Vice Mayor Baisden **SECONDED** the motion.

The following agenda item was removed from the consent agenda to be heard at its schedule place on the agenda:

G. 4. Action/Approval - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)

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

Marion Nelson addressed the Council regarding the rescheduled Bird Call presentation by George Kirsch; the upcoming Hummingbird Banding presentation by Todd Eskelin, Biologist from the Kenai National Wildlife Refuge; and thanked the City for the snow removal.

Jim Duffield, Kenai resident, addressed the Council in opposition to the cancellation of the Summer Ice program at the Kenai Multi-Purpose facility noting that his children were interested in playing hockey; the importance having summer ice, including the ability to hold summer tournaments; the multiple sizable communities near that City that would use the facility; and if there was not going to be summer ice the facility should be used for other summer youth programs.

Lea Stuber, Sterling resident, addressed the Council in opposition to the cancellation of the Summer Ice program; the need for a Summer Ice program to keep kids out of trouble; her previous experience raising fund for Hockey facilities; and she provided a telephone connection for testimony from Anchorage Hockey Coach Rob Larkey.

Rob Larkey, Anchorage resident and Alaska Wolves 14U Coach addressed the Council regarding the cancellation of the Summer Ice program and possible options for leaving the ice in beyond the end of spring break.

Tim Estep, Sterling resident, addressed the Council in opposition to the cancellation of the Summer Ice program; moving to this area because of the availability of year-round ice; the benefits to the community if ice is available year-round; his willingness to pay additional taxes for year-round ice; and the need to do whatever is needed to get the rink opened up for the kids.

Public Works Director Curtin reported that the Kenai Multi-Purpose facility was not designed for year-round ice; buildings designed for year-round ice are better insulated for lower utility costs and humidity/condensation control; ice was removed in the spring so that the refrigeration tubes could be turned off to prevent the possibility of snow melt freezing under the concrete slab and causing frost heaves and damaging the refrigeration tubes and concrete; operating during the spring and fall caused fog/condensation which penetrates every part of the building and created a rust problem; he summarized the 2020 engineering study which indicated without treatment due to rust the facility had an expected life of two to four years; treatment that was completed in the summer of 2022; even with treatment if summer ice continued the life expectancy of the facility was five to ten years; and if the desire is for year-round ice a new facility would be the most appropriate option.

D. PUBLIC HEARINGS

- 1. Ordinance No. 3338-2023** - Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3338-2023. 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.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3338-2023, Section 1, Chapter and Section 1.15.060 - Motions, paragraph c. as follows:

“When a vote has been taken, any member who voted on the prevailing side may move a reconsideration thereof at the same meeting or at the next succeeding meeting whenever motions are in order, provided that the subject matter has not passed out of the control of the Council and adequate public notice is provided before the matter is reconsidered.”

Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

There was discussion regarding the benefits of adding a place on the agenda for Administrative Reports; and the additional noticing requirements for items prior to a matter being reconsidered.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Sounart, Gabriel, Baisden, Askin, Knackstedt

NAY: None

ABSENT: Winger, Douthit

MAIN MOTION AS AMENDED PASSED.

- 2. Resolution No. 2023-22** - Authorizing a Budget Transfer in the Water & Sewer Capital Project Fund, Public Works Department – Water Division for Additional SCADA Related Services. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-22. 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.**

- 3. Resolution No. 2023-23** - Requesting State of Alaska Funding Support for the Wildwood Drive Rehabilitation Project. (Administration)

MOTION:

Council Member Askin **MOVED** to adopt Resolution No. 2023-23. 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 that the Administration was working with the legislature for funding assistance on this project as the primary use of the road was to access the State of Alaska, Wildwood Correctional Facility.

There was discussion regarding this being rated as the worst road in Kenai since 2009; options regarding trading road with the state; and the ability of the City to maintain the road once the repairs are complete.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Regular Meeting of March 1, 2023. (City Clerk)

F. UNFINISHED BUSINESS - Postponed Item.

1. **Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (City Clerk) *[Clerk's Note: At the February 15, 2023 City Council Meeting, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.]*

- **Substitute Resolution No. 2023-15** - Repealing City Council Policy No. 2021-01 - Selecting and Appointing a Qualified Person to Fill Vacancies on the City Council and Adopting City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (Gabriel and Baisden)

[Clerk's Note: The motion to adopt Resolution No. 2023-15 was on the floor from the February 15, 2023 Regular City Council meeting.]

MOTION TO AMEND BY SUBSTITUTE:

Council Member Knackstedt **MOVED** to amend Resolution No. 2023-15 by Substitute Resolution No. 2023-15. Vice Mayor Baisden **SECONDED** the motion.

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

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

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 the new policy included advertising requirements; application period requirements; the requirement that applicants submit a financial disclosure statement; eligibility verification procedures and notification to the applicants of their eligibility; and a point scoring process initially when there were more than two applicants to reduce the number of applicants.

It was clarified that the new policy included provisions that in the case of a tie, and the tie is not broken after two votes the tie will be broken by lot.

UNANIMOUS CONSENT was requested on the motion as amended by substitute.

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** - Non-Objection to the Renewal of a Limited Marijuana Cultivation Facility for Jennifer Huffman DBA: Grateful Bud LLC., - License No. 16474. (City Clerk)

Approved by the consent agenda.

3. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License and a Standard Marijuana Cultivation License for Red Run Cannabis Cultivators, LLC., DBA: Red Run Cannabis Cultivators, LLC. - License No.'s 19372 and 10052; and a Retail Marijuana Store License for Red Run Cannabis Company, LLC., DBA: Red Run Cannabis Company, LLC. – License No. 10056 (City Clerk)

Approved by the consent agenda.

4. ***Action/Approval** - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds. Vice Mayor Baisden **SECONDED** the motion.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend the Special Use Permit Agreement, paragraph 2. Terms as follows:

“The term of this permit shall be for [FOUR] twelve months commencing on May 1, 2023 and ending on April 30, 2024. Regardless of the date of signature, this Permit shall be effective as of May 1, 2023.”

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

It was reported that this agreement aligned with previous agreements, the only difference was that this agreement was for twelve months, which is the maximum amount of time allowed for a Special Use Permit.

UNANIMOUS CONSENT was requested on the main motion as amended.

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

5. ***Action/Approval** - Special Use Permit to Pacific Star Seafoods, Inc. for On or Off Loading Fish at the Kenai Municipal Airport. (Administration)

Approved by the consent agenda.

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

Introduced by the consent agenda and Public Hearing set for April 5, 2023.

7. ***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)

Introduced by the consent agenda and Public Hearing set for April 5, 2023.

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

Introduced by the consent agenda and Public Hearing set for April 5, 2023.

9. Action/Approval - Approving a Memorandum of Agreement for the Use of the Alaska Regional Aircraft Fire Training Center for the Calendar Year 2023. (Administration)

MOTION:

Council Member Askin **MOVED** to approve the Memorandum of Agreement. Council Member Sounart **SECONDED** the motion.

It was reported that this was a short-term agreement to ensure a successful fire training season in 2023; staff was continuing to look for another long term operator; and that the fee and rates were established to capture as much of the operating cost for the facility as possible.

UNANIMOUS CONSENT was requested on the motion.

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

10. Action/Approval - Issuing a Letter of Support for the Challenger Learning Center of Alaska's Request for Funding. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to authorize the issuance of the Letter of Support. Council Member Askin **SECONDED** the motion.

It was reported that the letter would be sent to Senator Murkowski's Office to request Federal Funding.

UNANIMOUS CONSENT was requested on the motion.

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

11. Discussion - Scheduling the Council Employee Evaluations. (Gabriel)

There was discussion that the evaluation sheets would be distributed with instructions and a return date; however, having two absent Council Members setting the dates of the Evaluation meetings will be done at the next Council meeting.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Sounart reported on the March 9, 2023 meeting, next meeting April 13, 2023.

2. Airport Commission

Council Member Askin reported on the March 9, 2023 meeting, next meeting April 13, 2023.

3. Harbor Commission

No report, next meeting April 10, 2023.

4. Parks and Recreation Commission

Council Member Knackstedt reported on the March 2, 2023 meeting, next meeting April 6, 2023.

5. Planning and Zoning Commission

Meeting canceled, next meeting March 22, 2023.

6. Beautification Committee

No, report, next meeting April 11, 2023.

I. REPORT OF THE MAYOR

Mayor Gabriel stated he was looking forward to the March 31, 2023, Kenai Senior Connections March for Meals Pie Auction and reported on the following:

- Meeting with City Manager Eubank and Peter Evon, the Executive Director of the Kenaitze Indian Tribe to identify items of mutual interest.
- Attending the Brown Bear House Bed and Breakfast, Open House, noting they had maintained the buildings characteristics.
- Due to the low numbers in the Sports Fishing forecast the season would be starting as closed, which automatically closes the Set Nets on the East Side; and in addition the Norther District would be closed.

J. ADMINISTRATION REPORTS

1. City Manager – Acting City Manager Prior reported on the following:
 - Stated his appreciation for City Manager Eubank having met with all of the Department Heads to go over their goals and to identify ways to support them.
 - Thanked the Streets Department for removing their snow response this winter and removing the snow from the Kenai Central High School Fields.
 - Successful response to a distress call from an individual stuck in the mud on the beach with the tide coming in.
 - Update on the Bluff Stabilization Project at 95% design.
 - Receipt of the Supplemental Emergency Medical Transport (SEMT) Program reimbursement.
2. City Attorney – No report.
3. City Clerk – City Clerk Saner reported on the following:
 - Attending the Commission, Committee and Council on Aging meetings to report on the last two Council Policies to be updated.

K. ADDITIONAL PUBLIC COMMENTS

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

Council Member Askin reminded everyone to be cautious on the ice.

Council Member Sounart stated that she was able to play with the Orchestra for the first time in three-years for the Linked-Up Program with elementary school children; they played both here locally and in Homer and both concerts were well attended.

Vice Mayor Baisden thanked Acting City Manager Prior for sitting in for City Manager Eubank; stated he liked hearing reports regarding what Departments are doing; reported that the Kenai Central High School Boys and Girls Basket Ball Teams were going to the State Tournaments with the Cheerleaders; thanked the Streets Department for the winter road maintenance and clearing the school fields.

Council Member Knackstedt stated he was happy to hear that Larry Semmens agreed to work as the temporary Finance Director; thanked Acting City Manager Prior for his report and the radio announcement regarding snow load; and said he was looking forward to the March 31, 2023, Kenai Senior Connection, Inc's March for Meals Pie Auction.

L. EXECUTIVE SESSION - None.

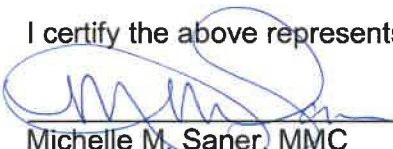
M. PENDING ITEMS - None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS - None.

There being no further business before the Council, the meeting was adjourned at 7:46 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of March 15, 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.*