

**KENAI CITY COUNCIL – REGULAR MEETING
MAY 3, 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 May 3, 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
Alex Douthit	Deborah Sounart
Henry Knackstedt	Victoria Askin (<i>remote participation</i>)
Teea Winger (<i>remote participation</i>)	

A quorum was present.

Also in attendance were:

******Silas Thibodeau, Student Representative
Terry Eubank, City Manager
Scott Bloom, City Attorney
Larry Semmens, Acting Finance Director
Scott Curtin, Public Works Director
Tony Prior, Fire Chief
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

Add item H.3.	Action Approval - Non-Objection to the Transfer of a Limited Marijuana Cultivation Facility License for Grateful Bud, LLC.
	• Kenai Peninsula Borough Non-Objection Letter

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda and consent agenda with the requested revisions and to suspend the rules to hear agenda item H. 10. Discussion on the status and path forward for Wildwood Drive and rehabilitation project prior to agenda item E. 1. Public Hearings. 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 on consent agenda items; 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 ADMINISTRATIVE REPORTS - None.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

[Clerk's Note: During the approval of the agenda and consent agenda the motion to suspend the rules and hear agenda item H. 10 prior to Public Hearings was approved.]

H.1. Discussion - Status and path Forward for Wildwood Drive Rehabilitation Project. (Administration)

It was reported that Wildwood Drive had been considered the City's most deteriorated road for the last thirteen-years; based on the construction cost estimate of \$940,000 additional funding would be necessary; since the primary use of the road is service to the Wildwood Correctional Facility, the City believes that the State should partner with the City on the project and it appears that funding from the state was unlikely; and three proposed options were presented as: 1) Do nothing; 2) Supplemental appropriation for the project; or 3) Turn the road to gravel.

Mayor Gabriel opened the floor for public comment.

James Butler, Legal Counsel for the Kenai Native Association addressed the Council regarding the Wildwood Drive project noting that the property was actually owned by Kenai Native Association (KNA); there and been may conveyances over the years with the Federal and State governments; during the conveyances there was less diligence with the right-of-way; resulting in the City inheriting the maintenance responsibilities for Wildwood Drive, which was technically owned by Kenai Native Association. Mr. Butler acknowledged the importance of maintaining the road for safety reasons and asked the Council to recognize that the owners of the property were very reluctant to allow the City to do a large improvement on their property; he addressed the liability to KNA and asked the City to work with KNA to resolve the issue with the State and Federal government to identify a funding source for the property or a land swap.

There was discussion regarding the importance of maintaining the road for safety reasons; this project represented a large amount of City funds for a project that would primarily benefit the State; concern that improvements to the road would remove the pressure from the Federal and State government to fix the issue, which they created; and a general consensus was stated to continue maintenance in the same manner the City has been until the issue of ownership could be further addressed.

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

E. PUBLIC HEARINGS

1. Ordinance No. 3345-2023 - Accepting and Appropriating Donations for Construction of the Kenai Community Dog Park. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3345-2023. 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 this would accept donated fund through the Kenai Community Foundation that were raised by Kenai Dog Park Friends and provided an overview of the construction plan was provided.

VOTE:

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

NAY: None

****Student Representative Thibodeau: Yea**

MOTION PASSED.

- 2. Ordinance No. 3346-2023 - Increasing Estimated Revenues and Appropriations in the General Fund, Fire Department for the Purchase of an Inflatable Rescue Boat. (Administration)**

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3346-2023. 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 allow for the purchase of an inflatable rescue boat; funds to purchase the boat were from revenues in excess of budget amounts from ambulance billing; and purchase of the boat at this time would allow for training on it during the upcoming Rescue Boat Operator Course.

VOTE:

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

NAY: None

****Student Representative Thibodeau: Yea**

MOTION PASSED.

- 3. Ordinance No. 3347-2023 - Establishing the Storefront and Streetscape Improvement Program and Appropriating \$50,000 from the General Fund. (Askin, Sounart)**

MOTION:

Council Member Sounart **MOVED** to enact Ordinance No. 3347-2023. Vice Mayor Baisden **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Dustin Aaronson, owner of Copy Cats-Old Town Music addressed the Council in support of the Storefront and Streetscape Improvement program; he recommended consideration for reducing the number of bids required; and suggested the timeline requirements may be difficult to meet.

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

There was discussion regarding this being the right time for businesses in the City; this would be a partnership opportunity that would help the small local businesses; the program met goals established in the comprehensive plan; the program help small local businesses with visibility; it was anticipated that as the program went live their maybe needed changes; concerns were stated regarding the eligibility for non-profits, governments and seasonal businesses. It was recommended that the administration provide the Planning and Zoning and Beautification Committee an opportunity to review the program.

VOTE:

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

NAY: Winger

****Student Representative Thibodeau: Yea**

MOTION PASSED.

- 4. Resolution No. 2023-29 - Deferring the Annual City Fee for Tideland Leases for Shore Fisheries to Provide Relief for Set Net Operators Leasing Tidelands from the City for**

Commercial Setnet Operations if Setnet Fisheries Remain Closed in the Upper Cook Inlet
Eastside Set Net Fishery Salamatof Beach Section. (Gabriel)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-29. 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.

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

Mayor Gabriel reported that the City leased tidelands to set net operators and the Set Net fishery was preemptively closed this season; the purpose of this resolution was to defer the annual fee per tract to offset the economic impact to the fishery participants; and if the fishery is opened, the resolution allowed for a prorated or reduced fee at a later date.

UNANIMOUS CONSENT was requested.

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

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

5. Resolution No. 2023-30 - Authorizing a Reallocation of Funds within the Congregate Housing Improvement Capital Project Fund. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-30. 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.**

6. Resolution No. 2023-31 - Authorizing a Reallocation of Funds within the Municipal Roadway Improvements Capital Project Fund. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-31. Council Member Douthit **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. 2023-32 - Approving a Lease Utilizing a Non-Standard Lease Form on Airport Reserve Lands Between the City of Kenai and the Federal Aviation Administration for the Automated Flight Service Station and Satellite Communication Network Facilities on Lot 7A-1 FBO Subdivision No. 5. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-32. Council Member Douthit **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 clarified that the difference from the previous non-standard lease were minor and were related to the rate and minor maintenance responsibilities.

UNANIMOUS CONSENT was requested.

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

8. **Resolution No. 2023-33** - Approving an Amendment to the Lease and Concession Agreement for the Kenai Municipal Golf Course and Recreation Area Between the City of Kenai and Griffin Golf, LLC. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-33. 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 there was ongoing discussion regarding a new lease agreement.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of April 19, 2023. (City Clerk)

G. UNFINISHED BUSINESS - None.

H. 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 Transfer of a Limited Marijuana Cultivation Facility License for Grateful Bud, LLC., DBA: Grateful Bud, LLC. - License No. 16474. (City Clerk)

Approved by the consent agenda.

4. ***Ordinance No. 3348-2023** - Accepting and Appropriating Funds from the Institute of Museum and Library Services, Passed through the State of Alaska, Department of Education and Early Development, Division of Library, Archives & Museums, for Library Employee Training. (Administration)

Introduced by the consent agenda and Public Hearing set for May 17, 2023.

5. ***Ordinance No. 3349-2023** - Accepting and Appropriating a Donation to the Kenai Community Library for the Purchase of Early Literacy Equipment and Furniture. (Administration)

Introduced by the consent agenda and Public Hearing set for May 17, 2023.

6. ***Ordinance No. 3350-2023** - Accepting and Appropriating Grant Funds from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)

Introduced by the consent agenda and Public Hearing set for May 17, 2023.

7. ***Ordinance No. 3351-2023** - Accepting and Appropriating Funding from the State of Alaska Department of Health and Social Services, Division of Public Health for the Healthy and Equitable Communities Program, and Authorizing the City Manager to Execute a Memorandum of Agreement for this Funding. (Administration)

Introduced by the consent agenda and Public Hearing set for May 17, 2023.

8. ***Ordinance No. 3352-2023** - Increasing Estimated Revenues and Appropriation in the Kenai City Dock Improvement, Animal Control Improvement, and Airport Snow Removal Equipment Improvement Capital Project Funds to Transfer Residual Balance from Completed Projects Back to their Original Funding Sources. (Administration)

Introduced by the consent agenda and Public Hearing set for May 17, 2023.

9. **Action/Approval** - Special Use Permit to Kenai Aviation Operations, LLC. for Airport Taxilane Space for Aircraft Parking. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the Special Use Permit to Kenai Aviation Operations, LLC. Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion.

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

10. **Discussion** - Status and path Forward for Wildwood Drive Rehabilitation Project. (Administration)

[Clerk's Note: During the approval of the agenda and consent agenda the motion to suspend the rules and hear agenda item H. 10 prior to agenda item E. Public Hearings was approved.]

There was discussion...

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report, next meeting May 11, 2023.

2. Airport Commission

No report, next meeting May 11, 2023.

3. Harbor Commission

No report, the May 8, 2023 meeting was cancelled, next meeting June 12, 2023.

4. Parks and Recreation Commission

No report, next meeting May 4, 2023.

5. Planning and Zoning Commission

Vice Mayor Baisden reported on the April 26, 2023 work session and regular meeting.

6. Beautification Committee

No report, next meeting May 9, 2023.

J. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- His attendance at the Salmon Symposium held at the Kenai Senior Center; the Alaska Humanities Forum - Outreach to Central Peninsula Communities; the Annual Hospice Fundraiser; and the Northrim Bank - Economic Outlook on the State of Alaska.
- Providing Local Government Presentation at the District Student Council Meeting.
- The Fraternal Order of Eagles hosted their Convention locally.
- He offered his condolences to the family and friends of Christine Hutchison, noting she was a member of the Harbor Commission.
- He thanked Student Representative Thibodeau for his service.

K. ADMINISTRATION REPORTS

1. City Manager – City Manager Eubank reported on the following:
 - Draft Fiscal Year 2024 Budget was in Progress
 - The Food Bank would be hosting the Return of the Reds Celebration on June 3, 2023
 - Annual Employee Appreciation will be a family event this year on June 9, 2023
 - Provided an update on recruitment for the Finance Director and Parks & Recreation Director
 - Thanked the Council for the Budget Work Session
2. City Attorney, no report.
3. City Clerk – City Clerk Saner reported on the following:
 - City Council Policy Document is posted on the Council's webpage.

L. ADDITIONAL PUBLIC COMMENTS

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

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center addressed the Council in support of the Storefront and Streetscape Program, noting the benefits to the City.

Marion Nelson, Board President of the Kenai Art Center provided a status update regarding the Rasmussen grant application; an overview of the needed repairs at the art center; reported that they will no longer be doing 1st Thursday it would now be 1st Friday; and noted the next show would open on Friday.

2. Council Comments

Council Member Winger thanked the Administration for the Budget Work Session; congratulated Student Representative Thibodeau; and wished the wrestlers competing at State luck.

Council Member Askin thanked the Administration for the Budget Work Session and the Employee Recruitment and Retention Work Session; and thanked Planning Director Mitchell for her work on the Storefront and Streetscape Improvement Program.

Council Member Douthit thanked the Administration for the Budget Work Session.

Student Representative Thibodeau provided an update on the last day of school for Senior and Graduation Day; provided an update on sports; and stated that due to his age he would be taking a gap year before joining the United States Marines.

Council Member Sounart congratulated Student Representative Thibodeau; thanked Planning Director Mitchell for her work on the Storefront and Streetscape Improvement Program and the Administration for the Work Sessions.

Vice Mayor Baisden thanked Student Representative Thibodeau and wished him good luck; reported that the Kenai Central High School, Girls Soccer Team was undefeated; and thanked the Administration for the Budget Work Session.

Council Member Knackstedt wished Student Representative Thibodeau luck; and thanked the Administration for the Budget Work Session.

M. EXECUTIVE SESSION

1. Review and Discussion of the City Attorney's Evaluation Which May be a Subject that Tends to Prejudice the Reputation and Character of the City Attorney [AS 44.62.310(C)(2)].
2. Review and Discussion of the City Clerk's Evaluation Which May be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk [AS 44.62.310(C)(2)].

MOTION:

Council Member Knackstedt **MOVED** to enter into executive session to review and discuss the evaluations of the City Attorney and City Clerk which may be a subject that tends to prejudice the reputation and character of the City Attorney and City Clerk. [AS 44.62.310(C)(2)]

Mr. Bloom and Ms. Saner have elected to have the discussion take place in executive session.

The executive session will include Mayor Gabriel and the City Council Members; City Attorney Bloom will be included when the Council requests his presence; and City Clerk Saner will be included when the Council Requests her presence.

Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION:

Council Member Sounart **MOVED** to reconvene into regular session. Council Member Knackstedt **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

[Clerk's Note: Council entered into executive session at 8:59 p.m.; and reconvened into regular session at 10:47 p.m.]

Council reconvened in regular session and reported that Council met in executive session and reviewed and discussed the City Attorney's performance evaluation; the City Attorney was included in a portion of the executive session to discuss the Council's review of his performance evaluation; and, the Council met in executive session and reviewed and discussed the City Clerk's performance evaluation; the City Clerk was included in a portion of the executive session to discuss the Council's review of her performance evaluation.

N. PENDING ITEMS - None.


O. ADJOURNMENT

P. INFORMATIONAL ITEMS

1. CIRCA Director's Report

There being no further business before the Council, the meeting was adjourned at 10:47 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of May 3, 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 last 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.*