

**KENAI CITY COUNCIL – REGULAR MEETING
JULY 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 July 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 (<i>remote participation</i>)	Alex Douthit
Victoria Askin	Henry Knackstedt

A quorum was present.

Absent:

Deborah Sounart

Also in attendance were:

Terry Eubank, City Manager
Linda Mitchell, Planning Director
Dave Ross, Police Chief
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

Add item E. 4. **Public Hearing – Ordinance No. 3363-2023**
 • Amendment Memo

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda and consent agenda with the requested revisions. Council Member Askin **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

1. Kenai Peninsula Economic Development District Quarterly Update, Tim Dillon, Executive Director.

Tim Dillon, Executive Director of the Kenai Peninsula Economic Development District addressed the Council regarding current projects underway; identified that workforce challenges were related to housing, transportation and childcare; noted that he would be stepping down as the Director in December and Caitlin Coreson would be taking the position; and work was underway on a new website that will include a section on workforce.

2. Cook Inlet Regional Citizens Advisory Council (CIRCAC), Three-Year Recertification, John Williams, Vice President of CIRCAC.

CIRCAC Vice President John Williams and Director of Communications Shaylon Cochran addressed the Council regarding the Three-Year Recertification process, provided a summary of how CIRCAC came about after the Exxon Valdez spill; listed the programs that CIRCAC managed; and thanked the City for their continued support.

D. UNSCHEDULED PUBLIC COMMENTS

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center provided an update to Council regarding the Annual Chamber Fundraiser and the Fourth of July Parade, noting the increased number of participants; she reported that the Chamber had now taken over management of the ilovekenai and the Silver Salmon Derby websites and social media accounts.

E. PUBLIC HEARINGS

1. **Ordinance No. 3360-2023** - 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. 3360-2023. 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.

VOTE:

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

NAY: None

ABSENT: Sounart

MOTION PASSED.

2. **Ordinance No. 3361-2023** - Accepting and Appropriating Fiscal Year 2023 Funds from the 2022 Community Assistance Program, Passed through the State of Alaska, Department of Commerce, Community, and Economic Development for National Floodplain Insurance Program Training. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3361-2023. 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.

Appreciation was stated for the Grant Opportunity and for Planning Director Mitchell attending the training.

VOTE:

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

NAY: None

ABSENT: Sounart

MOTION PASSED.

- 3. Ordinance No. 3362-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds to Provide Supplemental Funding for the Kenai Municipal Airport's Sand Storage Facility Project and Authorizing a Contract Amendment for Professional Services. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3362-2023. 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 reported that the Sand Storage Project was awarded during the COVID Pandemic and as a result there had been difficulties obtaining a metal building; the project was back on track and eligible for a possible 100 percent reimbursement from the Federal Aviation Administration.

VOTE:

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

NAY: None

ABSENT: Sounart

MOTION PASSED.

- 4. Ordinance No. 3363-2023** - Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table, to Establish a Minimum Standard for Public Notification for Commercial Marijuana Establishments and Prohibit Limited Marijuana Cultivation Facilities in Residential Zoning Districts. (Douthit and Baisden)

MOTION:

Vice Mayor Baisden **MOVED** to enact Ordinance No. 3363-2023. 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 reported this was brought forward to address concerns voiced by members of the public regarding not being noticed; previously there were two cultivation facilities in residential districts, one of which was now closed and the one remaining would be grandfathered in.

There was discussion regarding noticing a number of properties vs. a number of property owners; and the Kenai Peninsula Borough (KPB) provided the property ownership details used for noticing

MOTION TO AMEND:

Council Member Knackstedt moved to amend Ordinance 3363-2023 as follows:

Section, 1 paragraph c, to delete the proposed new sentence, "[THE NOTICE AREA WILL BE EXPANDED UNTIL A MINIMUM OF THIRTY (30) DIFFERENT PROPERTY OWNERS ARE AVAILABLE FOR NOTIFICATION.]" and to insert a new sentence to read, "The notice periphery will be expanded until a minimum of thirty (30) properties are available for notification."

Vice Mayor Baisden **SECONDED** the motion.

There was discussion regarding how the data from KPB captured property ownership; which method would provide the most noticing; and the difficulty level of notifying by property vs. by ownership.

[Clerk's Note: The motion to amend was withdrawn with consent of the second.(KMC 1.15.060(g))

MOTION TO AMEND:

Council Member Knackstedt moved to amend Ordinance 3363-2023 as follows:

Section 1, paragraph c, final sentence to read, "The notice [AREA] periphery will be expanded until a minimum of thirty (30) different property owners are available for notification."

Council Member Douthit **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE: Motion to amend **APPROVED**; without objection.

MOTION:

Vice Mayor Baisden moved to amend Ordinance 3363-2023 as follows:

Insert a new sixth Whereas clause to read, "at its meeting on June 28, 2023, the Planning and Zoning Commission recommended the City Council enact this Ordinance."

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE: Motion to amend **APPROVED**; without objection.

VOTE MAIN MOTION AS AMENDED:

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

NAY: None

ABSENT: Sounart

MAIN MOTION AS AMENDED PASSED.

F. MINUTES

1. *Regular Meeting of June 21, 2023. (City Clerk)
2. *Special Meeting of June 21, 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** - Special Use Permit to Kenai Chamber of Commerce and Visitor Center for the Use and Operation of the Moosemeat John Cabin. (Administration)

Approved by the consent agenda.

4. ***Action/Approval** - Non-Objection to the Renewal of an Outdoor Recreation Lodge Liquor License for The Cannery Lodge, LLC, DBA The Cannery Lodge - License No. 5369 (City Clerk)

Approved by the consent agenda.

5. ***Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Three Bears Alaska, Inc, DBA Three Bears - License No. 4118 (City Clerk)

Approved by the consent agenda.

6. Discussion/Action - Radio Advertising. (Douthit)

There was discussion regarding utilizing radio to advertise for big meetings to get more public participation; justification for spending the funds for items like the Dip Net Fishery, ATV's on the streets and upcoming events like the Silver Salmon Derby; Public Service Announcements (PSA) on road construction projects; and generally, there were no fees for PSA's.

It was reported that the administration had the ability to do advertising for projects and events provided adequate funding was available; that State Statues requires meeting noticing to be done in a consistent manner and advertising only certain meetings or agenda items may be a liability to the City.

There was general consensus that the City Manager and City Clerk review the subject to determine the possible use for radio advertising and bring the information back to the Council.

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report, next meeting July 13, 2023

2. Airport Commission

No report, next meeting July 13, 2023

3. Harbor Commission

No report, next meeting August 7, 2023

4. Parks and Recreation Commission

No report, next meeting August 3, 2023

5. Planning and Zoning Commission

Council Member Douthit reported on the June 28, 2023 meeting, next meeting July 12, 2023.

6. Beautification Committee

No report, next meeting September 12, 2023.

J. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Promoting the King of the River Food Drive in support of Kenai on KSRM's Sound Off.
- Running the Barbeque at the Free Oilers night with Borough Mayor Peter Micciche, Senator Bjorkman, Representative Ruffridge, and Soldotna Vice Mayor Lisa Parker.
- Participating in the Fourth of July Parade, and noted his appreciation for there being over 80 parade entries.

K. ADMINISTRATION REPORTS

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

- The City was now operating in the new Fiscal Year.
- City Crews were preparing for the Persona Use Fishery.
- Meeting with Representative Murkowski's staff.
- A bluff stabilization meeting schedule for July 11, 2023 with the new District Commander of the Army Corps of Engineers, Col. Jeffrey S. Palazzini.

- That David Swarner accepted the position of Finance Director and would begin on August 2, 2023.
 - Currently recruiting for an Airport Manager.
2. City Attorney - No report.
 3. City Clerk - No report.

L. ADDITIONAL PUBLIC COMMENTS

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

Council Member Winger thanked everyone for the great discussion.

Council Member Douthit noted his appreciation that everyone had a great time at the parade; and he thought the chamber fundraiser had a good turnout.

Council Member Askin noted she had a lucky streak over the last two weeks winning a couple of items; and that she enjoyed participating as a Judge for the parade.

Vice Mayor Baisden thanked Planning Director Mitchell and City Manager Eubank for the work on Ordinance 3363-2023; thanked Council Member Douthit for filling in for him at the Planning and Zoning meeting as he was on the East Coast watching his son Samuel being inducted into the Naval Academy; he encouraged everyone to read the letter to the Editor his wife submitted to the Peninsula Clarion.

Council Member Knackstedt noted he was happy with the outcome of Ordinance 3363-2023 noting it involves a large area of the City; congratulated Vice Mayor Baisden; and said he enjoyed participating as a judge for the parade.

M. EXECUTIVE SESSION

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

MOTION:

Council Member Knackstedt **MOVED** to enter into executive session to review and discuss evaluation of the City Manager which may be a subject that tends to prejudice the reputation and character of the City Manager. *[AS 44.62.30(C)(2)]*. Mr. Eubank elected to have the discussion regarding his evaluation take place in executive session. The executive session will include Mayor Gabriel, City Council Members and City Manager Eubank.

Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: Motion **APPROVED**; without objection.

MOTION:

Council Member Knackstedt **MOVED** to reconvene into regular session. Vice Mayor Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: Motion **APPROVED**; without objection.

[Clerk's Note: The Council entered into executive session at 7:49 p.m. and reconvened into regular session at 8:10 p.m.]

Council reconvened in open session and reported that the Council met in executive session to review and discuss the with the City Manager his evaluation.

N. PENDING ITEMS - None

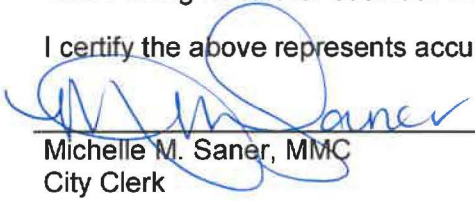
O. ADJOURNMENT

P. INFORMATIONAL ITEMS

1. Mayoral Letter of Support for CIRCAC's Recertification.

There being no further business before the Council, the meeting was adjourned at 8:10 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of July 5, 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.*