

**KENAI CITY COUNCIL – REGULAR MEETING
SEPTEMBER 6, 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 September 6, 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:

Dave Ross, Acting City Manager
Scott Bloom, City Attorney
Linda Mitchell, Planning Director
David Swarner, Finance Director
Mary Bondurant, Interim 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 G.1. **Unfinished Business, Public Hearing - Resolution No. 2023-49**

- Postponement 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 - None.

D. UNSCHEDULED PUBLIC COMMENTS

Tim Navarre addressed the Council regarding rules in place for people like himself varying from rules applicable to others; summarized a previous charge for domestic violence that was dropped twelve days later after the initial charge; stated he felt the recent charges against his son were due to his own previous actions; and requested the development of a citizens review board for actions of the police.

Marion Nelson, Kenai Fina Art Center Board President provided an update regarding the upcoming Harvest Auction and noted the recent article in the Peninsula Clarion regarding the auction.

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center provided an update regarding the Silver Salmon Derby, noting the weigh-in station would be at Three Bears and on the final weekend weigh-ins would be at the Eagle Rock boat launch; she reported on the upcoming Kenai River Marathon and the debate forum for candidates for City Council.

E. PUBLIC HEARINGS

- 1. Ordinance No. 3368-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Operations Facility Capital Funds to Provide Supplemental Funding for the Kenai Municipal Airport Operations Facility Boiler and HVAC Controls Replacement Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3368-2023. 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 the costs of this project may be eligible for a future FAA Grant reimbursement.

VOTE:

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

NAY: None

MOTION PASSED.

- 2. Ordinance No. 3369-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Procure Consumables for Aircraft Rescue and Fire Training Operations at the Alaska Fire Training Facility. (Administration) *[KMC 1.15.070(d)]*

MOTION:

Council Member Knackstedt **MOVED** to introduce Ordinance 3369-2023. Council Member Wingert **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to introduce.

VOTE: Motion **APPROVED**; unanimously.

MOTION:

Council Member Knackstedt **MOVED** to conduct the second reading of Ordinance 3369-2023. Council Member Winger **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to conduct the second reading.

VOTE: Motion **APPROVED**; unanimously.

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3369-2023. 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 the users would be invoiced for the costs of the consumables.

VOTE:

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

NAY: None

MOTION PASSED.

- 3. Resolution No. 2023-53** - Authorizing a Budget Transfer in the Vintage Point Congregate Housing Improvement Capital Fund, and Authorizing a Construction Agreement and Corresponding Purchase Order for the Vintage Point Boiler and Controls Replacement Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-53. 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.

There was discussion regarding the benefits of this project to the occupants.

UNANIMOUS CONSENT was requested.

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

- 4. Resolution No. 2023-54** - Authorizing a Professional Services Agreement and Corresponding Purchase Order for the Lilac Lane Roadway Improvements Project. (Administration)

[Council Member Douthit declared a possible conflict with Resolution 2023-54 as he owned property on Lilac Lane. Mayor Gabriel ruled a conflict did not exist.]

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-54. 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.

It was reported that the difference in bid amounts were related to the bidders from out of town including per diem costs in their bids.

UNANIMOUS CONSENT was requested.

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

- 5. Resolution No. 2023-55** - Denying the Requested Exceptions to Kenai Municipal Code Section 14.10.070, Subdivision Design Standards and Granting Exceptions to Kenai Municipal Code Section 14.10.080, Minimum Improvements Required for Strawberry Hill Estates 2023 Addition Preliminary Plat. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-55. Council Member Askin **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Dave Buntz addressed the Council regarding the development of the subdivision, noting that the surveyor recommended he apply for the variance to not dedicate Devray Street; however, after speaking with Planning Director Mitchell he was now in agreement with the right-of-way going through.

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

Planning Director Mitchell provided a presentation identifying the exceptions requested by the applicants; current Kenai Municipal Code requirements; and the recommendation of the Planning Commission.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Special Meeting of August 11, 2023. (City Clerk)
2. *Regular Meeting of August 16, 2023. (City Clerk)

G. UNFINISHED BUSINESS

- 1. Resolution No. 2023-49** - Declaring the Rights-of-Way of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) are No Longer Needed for a Public Purpose and Consenting to Vacation of the Rights-of-Way. (Administration) *[At the 08/02/23 meeting, this item was postponed to 09/06/23.]*

[Clerk's Note: The motion to adopt Resolution 2023-49 was on the floor from the August 2, 2023 Regular City Council Meeting.]

Mayor Gabriel opened the floor for public comment.

Ryan Tunseth addressed the Council stating the Boys & Girls Club had no objections to what was being suggested by Planning Director Mitchell; they were working with the neighboring property owners; and had no objection to additional postponement.

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

MOTION:

Council Member Knackstedt **MOVED** to postpone Resolution 2023-49 to the September 20, 2023 Regular City Council Meeting. Council Member Winger **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to postpone.

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

H. 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 Beverage Dispensary Liquor License for Kenai Joe's Taphouse, LLC, DBA Kenai Joe's Taphouse, LLC – License No. 626. (City Clerk)

Approved by the consent agenda.

3. ***Action/Approval** - Non-Objection to the Transfer of Ownership of a Restaurant Eating Place Liquor License and Restaurant Designation Permit for Jersey Subs AK LLC., DBA: Jersey Subs AK - License No. 5900. (City Clerk)

Approved by the consent agenda.

4. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts, LLC., DBA Herban Extracts LLC - License No. 14432. (City Clerk)

Approved by the consent agenda.

5. ***Action/Approval** - Special Use Permit for Corvus Airlines, Inc. DBA Ravn Alaska, LLC for Use of 1,200 Square Feet of Warm Storage of a De-Ice Vehicle. (Administration)

Approved by the consent agenda.

6. ***Action/Approval** - Consent to Assignment and Assumption of Lease Agreement, of Lot 3, Block 1, General Aviation Apron No. 1 Amended to Vickie L. Tyler. (Administration)

Approved by the consent agenda.

7. ***Ordinance No. 3370-2023** - Accepting and Appropriating Fiscal Year 2023 Funds from the Sign Research Foundation for the Sign Research Foundation Scholarship Program. (Administration)

Introduced by the consent agenda and Public Hearing set for September 20, 2023.

8. **Discussion** - Marijuana Walk/Drive Up Regulations. (Legal)

It was reported that this was brought forward to inform the Council regarding the change in State Law that will allow marijuana establishments to have walk up or drive through sales; currently no marijuana businesses in the City were providing walk up or drive through sales; if a business wanted to offer these services it would require an amendment to the conditional use permit. The Council could do nothing, which would allow it, prohibit it or regulate it differently from the state; and the Planning and Zoning Commission had recommended enacting a moratorium to give them more time to look into the issue.

There was discussion regarding allowing drive up services for liquor stores; the length of time for a moratorium; drive through regulations were initiated in response to COVID-19; the benefits of offering drive up services to the elderly or in really cold remote areas; and the law as written was difficult related to camera coverage; and requesting identification from everyone in the vehicle.

General consensus was given and provided direction to the Administration to bring forward legislation that would prohibit walk up and drive through marijuana sales.

I. **COMMISSION / COMMITTEE REPORTS**

1. Council on Aging

No report, next meeting September 14, 2023.

2. Airport Commission

No report, next meeting September 14, 2023.

3. Harbor Commission

No report, next meeting September 11, 2023.

4. Parks and Recreation Commission

No report, next meeting September 7, 2023.

5. Planning and Zoning Commission

Vice Mayor Baisden reported on the August 23, 2023 meeting, next meeting September 13, 2023.

6. Beautification Committee

Council Member Winger reported on the August 29, 2023 Work Session.

J. REPORT OF THE MAYOR

Mayor Gabriel thanked Council Member Knackstedt for serving as the President Pro-Tempore during the Special meeting on August 11, 2023 and Vice Mayor Baisden for presiding during the August 16, 2023 Regular meeting and reported on the following:

- Attending the Triumvirate Ground Breaking Ceremony; Industry Appreciation Day; Kenai Peninsula College Open House; and the Alaska Oil and Gas Board meeting.

K. ADMINISTRATION REPORTS

1. Acting City Manager - City Manager Ross reported on the following:

- The 2023 Silver Salmon Derby.
- The ongoing high number of employee recruitments.
- Publicity signing date with the Army Corps of Engineers for the Bluff Stabilization Project.

2. City Attorney - No report.

3. City Clerk – City Clerk Saner reported on the following:

- Absentee Voting Offices open on September 18, 2023.
- Cemetery Marker imaging project would begin on September 8, 2023 with a group of volunteers.

L. ADDITIONAL PUBLIC COMMENTS

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

2. Council Comments

Council Member Douthit reported that he would be absent from the September 20, 2023 meeting and that he had been gathering data from the Wildwood Drive traffic counter.

Council Member Sounart reported attending Industry Appreciation Day, noting there was a great turn out and thanked all the businesses that participated.

Council Member Askin noted that September was Worker Health & Safety Month; reported attending the Triumvirate Ground Breaking Ceremony, Industry Appreciation Day and the Food Bank Fundraiser; and reminded everyone about the upcoming Geo-Challenge Fundraiser for the Challenger Learning Center.

Council Member Winger reported attending Industry Appreciation Day, noting the car collection was amazing; reminded everyone to Fire Wise their property; stated her recognition of all of the lives lost during the 911 attack in 2001; and that the Nikiski Wrestling club was looking at expanding to include a second location in the Kenai area.

Council Member Knackstedt reported attending the Triumvirate Ground Breaking Ceremony, Food Bank Fundraiser and Industry Appreciation Day, noting he helped with the bicycle give away.

M. **EXECUTIVE SESSION** - None.

N. **PENDING ITEMS** - None.

O. **ADJOURNMENT**

P. **INFORMATIONAL ITEMS** - None.

There being no further business before the Council, the meeting was adjourned at 8:05 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 6, 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.*