

**KENAI CITY COUNCIL – REGULAR MEETING  
SEPTEMBER 20, 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 20, 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> )	Deborah Sounart
Henry Knackstedt	Victoria Askin

A quorum was present.

Absent:

Alex Douthit

Also in attendance were:

\*\*Xinlan Tanner, Student Representative  
Terry Eubank, City Manager  
Scott Bloom, City Attorney  
David Swarner, Finance Director  
Scott Curtin, Public Works Director  
Mary Bondurant, Interim Airport Manager  
Dave Ross, Police Chief  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following amendments to the Packet:

Add item G. 1.	<b>Public Hearing - Resolution No. 2023- 49</b> <ul style="list-style-type: none"><li>• Draft Easement</li></ul>
Remove from Consent:	<b>Introduction of Ordinance 3373-2023</b>

**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.

Mayor Gabriel administered the Oath of Office to Student Representative, Xinlan Tanner.

**B. SCHEDULED ADMINISTRATIVE REPORTS** - None.

**C. SCHEDULED PUBLIC COMMENTS** - None.

**D. UNSCHEDULED PUBLIC COMMENTS**

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center provided an update on the upcoming Kenai River Marathon; the Silver Salmon Derby, noting the potential for additional funding sponsorship from the Kenai River Sports Fishing Association; and displayed examples of the "I love Kenai" merchandise available.

Marion Nelson, Kenai Fine Art Center Board President provided an update on the upcoming Harvest Auction; and noted her participation with the Old Town Playground working group.

**E. PUBLIC HEARINGS**

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

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3370-2023. 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.

**VOTE:**

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

NAY: None

ABSENT: Douthit

\*\*Student Representative Tanner: YEA

**MOTION PASSED**, without objection.

- 2. Resolution No. 2023-56** - Authorizing the Application to the State of Alaska, Department of Environmental Conservation for a State Revolving Fund Loan from the Alaska Drinking Water Fund and Execution of a Loan Agreement for the Water Treatment Plant Pumphouse Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-56. 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.

**UNANIMOUS CONSENT** was requested.

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

- 3. Resolution No. 2023-57** - Awarding Non-Exclusive On-Airport Car Rental Concessions to Copper River Rentals, LLC D/B/A Budget Rent A Car and Alaska Rent A Car, Inc. D/B/A Avis for the Period of January 1, 2024 to December 31, 2028. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-57. 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.

**UNANIMOUS CONSENT** was requested.

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

- 4. Resolution No. 2023-58** - Authorizing a Twelve-Month Extension of Time for Good Cause for the Completion of Permanent Improvements for a Lease Between the City of Kenai and Alaska Air Fuel, Inc., for Airport Reserve Lands Described as Lot 5A, FBO Subdivision No. 10. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-58. 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.

There was discussion regarding the Administration providing a status update regarding the improvements in February 2024.

**UNANIMOUS CONSENT** was requested.

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

- 5. Resolution No. 2023-59** - Authorizing the City Manager to Enter a Project Partnership Agreement with the Department of The Army for the Administration and Construction of the Kenai Bluff Stabilization Project with an Estimated Project Cost of \$41,604,000 Including a Federal Cost Share of \$37,443,600 and City Share of \$4,160,400. (Administration)

**MOTION:**

Council Member Askin **MOVED** to adopt Resolution No. 2023-59. 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 project design was completed the project partnership agreement would define the roles, responsibilities and financial commitments of both the City and Department of Army; Bluff Stabilization has been the number one priority of the City for more than 30-years; signing of the agreement represents a tremendous amount of work by prior administrations, prior Mayor's and Council Member's and our Legislative Delegates; and the public ceremonial signing event would be held on Monday, September 25, 2023 at the Kenai Senior Center.

There was discussion regarding the availability of additional fund if the project bids come in higher than expected, that significant contingency was built into the numbers and the project should be able to be landed within the budget.

**VOTE:**

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

NAY: None

ABSENT: Douthit

\*\*Student Representative Tanner: YEA

**MOTION APPROVED**, without objection.

**F. MINUTES**

1. \*Regular Meeting of September 6, 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; at the 09/06/23 meeting, this item was postponed to 09/20/23.]*

*[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, Board member of the Boys & Girls Club of the Kenai Peninsula addressed the Council stating that the Boys & Girls Club and the Evenson's were in agreement regarding the vacation of rights-of-ways.

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

It was reported that the City met with the Boys & Girls Club and the Evenson's and worked out an agreement; the easement as proposed would provide sufficient access and space for installation of utilities.

**MOTION:**

Vice Mayor Baisden **MOVED** to amend Resolution 2023-49 as follows:

Amend the third Whereas clause to read, "the total area of the right-of-way vacation is approximately [0.719] 0.96-acre as shown in Exhibit A; and,"

Insert a new fourth Whereas clause to read, "on August 2, 2023, City Council postponed Resolution No. 2023-49 to September 6, 2023 at the request of an affected property to address concerns on access with the Boys & Girls Club of the Kenai Peninsula; and,"

Insert a new fifth Whereas clause to read, "on September 6, 2023, a postponement was granted by Council to bring the matter back to Planning and Zoning Commission at their September 13, 2023 meeting for their recommendation on the revision to the ROW vacations; and,"

Insert a new sixth Whereas clause to read, "on September 13, 2023, the Planning and Zoning Commission passed Resolution PZ2023-17 recommending that Kenai Peninsula Borough Planning Commission approve the preliminary plat for City Park 2023 Replat with vacations of Char Circle and a portion of S. Spruce Street; and,"

Council Member Askin **SECONDED** the motion.

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

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

**UNANIMOUS CONSENT** was requested on the main motion as amended.

**VOTE:** Main motion as amended **APPROVED**; without objection.

#### 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** - Confirming the Appointment of the October 3, 2023 Election Precinct Boards for the October 3, 2023 Regular City Election. (City Clerk)

Approved by the consent agenda.

4. **\*Action/Approval** - Confirming the Appointment of Xinlan Tanner as Student Representative to City Council. (Mayor)

Approved by the consent agenda.

5. **\*Ordinance No. 3371-2023** - 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 October 4, 2023.

6. **\*Ordinance No. 3372-2023** - Accepting and Appropriating a Grant from the State of Alaska for the Purchase of Library Materials. (Administration)

Introduced by the consent agenda and Public Hearing set for October 4, 2023.

7. **Ordinance No. 3373-2023** - Amending Kenai Municipal Code 14.20.330 - Standard for Commercial Marijuana Establishments to Prohibit Licensed Retail Marijuana Establishments from Serving Customers through a Walk-Up or Drive-Through Window. (Baisden, Winger, Douthit)

#### **MOTION:**

Vice Mayor Baisden **MOVED** to in introduce Ordinance No. 3373-2023, refer the ordinance as a New Business Item to the Planning and Zoning Commission's September 27, 2023 meeting, for the commission's recommendation on any specific zoning related considerations in regards to this ordinance and to schedule the City Council public hearing on the ordinance for October 4, 2023. Council Member Knackstedt **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.

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

#### I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Sounart reported on the September 14, 2023 meeting, next meeting October 12, 2023.

2. Airport Commission

Council Member Askin reported on the September 14, 2023 meeting, next meeting October 12, 2023.

3. Harbor Commission

No report, next meeting November 6, 2023

4. Parks and Recreation Commission

Council Member Askin reported on the September 7, 2023 meeting, next meeting October 5, 2023.

5. Planning and Zoning Commission

Vice Mayor Baisden reported on the September 13, 2023 meeting, next meeting September 27, 2023.

6. Beautification Committee

Council Member Winger reported on the September 12, 2023 meeting, next meeting October 10, 2023.

**J. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Participating as a wheel spinner in the Silver Salmon Derby.
- Attending the Candidate Forum held by the Kenai Chamber of Commerce.

**K. ADMINISTRATION REPORTS**

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

- Invitations to the Bluff Stabilizations agreement signing event included: State and Federal Legislative Delegates, Kenaitze and Salamatof Tribes, and former Mayors of the City.
- Phase II of the Spur Highway expansion was delayed due to one of the utilities being unable to source the materials needed to relocate the utility.
- Environmental review for the Bridge Access Bike Path was complete, construction was expected in 2025 in coordination with the Bridge Access preservation project.
- Provided and update on the Old town Playground project.
- Street light repairs were being addressed as funding allowed.
- Provided an update regarding the Airport Manager recruitment, noting that it has been great having Mary Bondurant back as the interim.

2. City Attorney - No report.

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

- That 393 markers out of 780 had been photographed so far for the cemetery marker imaging project.
- Presenting at the Kenai Historical Society meeting on September 17, 2023.

**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 reported that there would be a free Haunted Chamber event from October 7 - 19, 2023.

2. Council Comments

Council Member Winger welcomed Student Representative Tanner; congratulated the Silver Salmon Derby winners; noted she was looking forward to the Bluff Stabilization project signing event, the Kenai River Marathon and the Chamber Haunted House; and reported there would be a Dog Park meeting on Saturday, September 23, 2023 at 1:00 p.m.

and distributing laundry detergent sheets to keep plastic out of our landfills; and that she would be in contact with the Student Council's from other schools to find out what they are working on and report back to Council.

Council Member Sounart welcomed Student Representative Tanner and said she was excited to see the Bluff Stabilization project moving forward.

Council Member Askin congratulated the Administration for getting to this point on the Bluff Stabilization project, noting she remember working on the 1997 Planning and Zoning Commission minutes when bluff erosion was a topic discussed; congratulated the Silver Salmon Derby winners; reported being part of the group working with the City Clerk's Office to photograph the cemetery markers; and welcomed Student Representative Tanner.

Vice Mayor Baisden noted concerns with having a vacant car dealership in the City.

Council Member Knackstedt welcomed Student representative Tanner; thanked the Clerk for presenting at the Historical Society meeting; and noted he was looking forward the Harvest Auction.

**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 6:54 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 20, 2023.

  
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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.*