

**KENAI CITY COUNCIL – REGULAR MEETING  
DECEMBER 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 December 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	Henry Knackstedt, Vice Mayor
Phil Daniel	Deborah Sounart
James Baisden	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 (*remote participation*)  
David Swarner, Finance Director  
Linda Mitchel, Planning Director  
Scott Curtin, Public Works Director  
Derek Ables, Airport Manager  
Dave Ross, Police Chief  
Shellie Saner, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

- |                   |   |
|-------------------|---|
| Add to Item H. 3. | <b>*Action/Approval</b> - Special Use Permit to Beacon Occupational Health and Safety Services. <ul style="list-style-type: none"><li>• Airport Commission Recommendation Memo.</li></ul> |
| Add Item H. 14.   | <b>*Action/Approval</b> - Letter Supporting KPEDD's Application to EDA for a Three-Year Partnership Planning Program.   |

**MOTION:**

Vice Mayor 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. Services Provided by the LeeShore Center, Cheri Smith, Executive Director

Cheri Smith, Executive Director of the LeeShore Center addressed the Council regarding the History of the LeeShore Center noting the center incorporated as a nonprofit in 1979; was build with volunteer donated materials and the shelter doors opened in 1985. The center operates a 35-bed shelter and a 25-bed transitional housing facility, providing services from Clam Gulch to Moose Pass; the shelter services men, women and children; and are a part of the Sexual Assault Response Team for our community.

**D. UNSCHEDULED PUBLIC COMMENTS**

Marion Nelson, Kenai Fine Art Center Board President addressed the Council explaining the different types of shows; the Call for Art; and the upcoming shows in 2024.

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center provided an update on the year end wrap up; pending corrections to the Old Town Walking Tour; the Moose Meat Johns Cabin being closed for the foreseeable future do to needed repairs to make it safe for the public; and summarized some of the upcoming 2024 events.

**E. PUBLIC HEARINGS**

1. **Ordinance No. 3381-2023** - Repealing Kenai Municipal Code Appendices - Public Record Inspection Regulations, Repealing Kenai Municipal Code Chapter 10.40 - Release of Public Records and Re-Enacting Kenai Municipal Code 10.40 - Access to Public Records. (Baisden)

**MOTION:**

Council Member Baisden **MOVED** to enact Ordinance No. 3381-2023. 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 re-enacted code would combine what was previously located in the appendices and code and update it and the more substantial changes included a section for response by departments which codified current practices related to fire and police requests; litigation disclosure; denials must include reference to the law protecting the record from disclosure; and appeals would now go to the Superior Court instead of to Council.

**VOTE:**

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

NAY: None

ABSENT: Douthit

\*\*Student Representative Tanner: Yea

**MOTION PASSED.**

- 2. Ordinance No. 3382-2023** - Amending Kenai Municipal Code Chapter 7.05 Taxation of Real and Personal Property to Provide an Exemption on the First \$100,000 of Assessed Valuation Other Than Motor Vehicles and Watercraft Owned by Each Taxpayer and Making Housekeeping Changes. (Gabriel, Knackstedt, Baisden, Daniel, Askin, Sounart, Douthit)

**MOTION:**

Council Member Baisden **MOVED** to enact Ordinance No. 3382-2023. Council Member Askin **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center addressed the Council regarding the letter of support included in the packet from the Kenai Chamber of Commerce.

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

It was reported that residents of the Kenai Peninsula Borough and City of Soldotna already had this exemption; it would result in property tax relief of roughly \$435 per year, an overall decrease to the City of \$35,000; however, would be an investment by the City in our local businesses.

There was discussion regarding how this would benefit the City.

**VOTE:**

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

NAY: None

ABSENT: Douthit

\*\*Student Representative Tanner: Yea

**MOTION PASSED.**

- 3. Resolution No. 2023-66** - Adopting an Alternative Allocation Method for the FY24 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in Fisheries Management Area 14: Cook Inlet Area. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-66. Council Member 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.

There was discussion regarding the amount being down and that the funding had never been a major revenue source.

**UNANIMOUS CONSENT** was requested.

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

- 4. Resolution No. 2023-67** - Authorizing a Contract Award and Corresponding Purchase Order for the 2023 Community Wildfire Protection Plan Mitigation Phase Two Project. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-67. 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 Forest Service did not want trees cut when the beetles were active; trees cut on steep terrain would remain where they fell and trees on level terrain would be removed.

**UNANIMOUS CONSENT** was requested.

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

- 5. Resolution No. 2023-68** - Declaring a Portion of Outside Way as Dedicated on Townsite of Kenai (US Survey 2970) is No Longer Needed for a Public Purpose and Consenting to Vacation of the Right-Of-Way. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-68. Council Member 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 a similar request was received and approved in 1994; however, the paperwork was never filed with the Kenai Peninsula Borough; this would create a street on the back side; and this would require the full 60-foot vacation.

**UNANIMOUS CONSENT** was requested.

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

- 6. Resolution No. 2023-69** - Naming the Dedicated Right-Of-Way on the Preliminary Plat for Kenai Townsite Oiler's 2024 Addition "Oiler's Street." (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-69. 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.

Support for the name was stated.

**UNANIMOUS CONSENT** was requested.

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

## **F. MINUTES**

1. \*Regular Meeting of November 15, 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 Beacon Occupational Health and Safety Services for Use of Office Space at the Alaska Regional fire Training Facility. (Administration)

Approved by the consent agenda.

4. **\*Action/Approval** - Special Use Permit to Alaska Sure Seal for Snow Storage. (Administration)

Approved by the consent agenda.

5. **\*Action/Approval** - Special Use Permit to Schillings Alaska, Inc. for Snow Storage. (Administration)

Approved by the consent agenda.

6. **\*Action/Approval** - Confirmation of Mayoral Nominations for Partial Term Appointments to the Council on Aging and Beautification Committee. (Gabriel)

Approved by the consent agenda.

7. **\*Ordinance No. 3383-2023** - Amending the Official Zoning Map by Rezoning all Parcels within the Letzing 1985 Subdivision (Plat No. 85-55) and Government Lot 170 from General Commercial (CG) to Suburban Residential (RS) Zoning District. (Administration)

Introduced by the consent agenda and Public Hearing set for January 3, 2024.

8. **\*Ordinance No. 3384-2023** - Cancelling Previously Appropriated Projects, Authorizing a Transfer of Funds from the Wastewater Facility Capital Project Fund to the Water and Sewer Capital Project Fund and Appropriating Supplemental Funds for the Construction of a New Water Pump House at the City's Water Treatment Facility. (Administration)

Introduced by the consent agenda and Public Hearing set for January 3, 2024.

9. **Action/Approval** - Authorizing Memorandum of Agreement with the Kenai Peninsula Borough for Tourism Promotion. (Administration)

#### **MOTION:**

Vice Mayor Knackstedt **MOVED** to authorize the Memorandum of Agreement. Council Member Baisden **SECONDED** the motion.

It was reported the Kenai Peninsula Borough Code prohibited promotion of tourism within the City's and this agreement is the mechanism needed for the borough to do so.

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

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

10. **Discussion** - Schedule a Budget Goals Work Session. (Administration)

A Budget Goals Work Session was scheduled for January 3, 2024 at 4:30 p.m.

11. **Discussion** - Scheduling a CIP Work Session. (Administration)

A Capital Improvement Project Work Session was scheduled for January 17, 2024 at 4:30 p.m.

12. **Discussion** - Scheduling a Joint Work Session with Kenaitze Indian Tribe. (Administration)

A Joint Work Session with the Kenaitze Indian Tribe was scheduled for January 18, 2023 at 6:00 p.m. The Work Session would be held at the Tyotkas Elder Center located at 1000 Mission Avenue in Old Town Kenai.

### **13. Discussion/Action - Virtual Meeting Participation. (City Clerk)**

There was discussion regarding the analytic data provided noting zero participation during the meetings of advisory bodies and although there are more attendees during meetings of City Council and Planning & Zoning Commission the actual participation is very low; the Zoom platform being the most commonly used platform for public meetings; and the value of written comments being submitted.

Options discussed included discontinued use for public participation; however, keeping some type of software option available for staff or members of the body to participate remotely when unable to attend in person; requiring public to sign up in advance of a meeting; allowing only public participation by individuals directly affected by the land ownership.

General direction was given to the Clerk to draft a policy that would remove virtual participation by the public from meetings of the advisory bodies; maintain virtual participation options for members of the advisory bodies, presenters or staff required; and include webinars for meetings of the City Council and Planning & Zoning Commission.

### **14. \*Action/Approval - Letter Supporting KPEDD's Application to EDA for a Three-Year Partnership Planning Program. (Administration)**

Approved by the consent agenda.

## **I. COMMISSION / COMMITTEE REPORTS**

### **1. Council on Aging**

No report, next meeting January 11, 2024.

### **2. Airport Commission**

Vice Mayor Knackstedt reported on the December 14, 2023 meeting.

### **3. Harbor Commission**

No report, next meeting February 12, 2024.

### **4. Parks and Recreation Commission**

No report, next meeting January 4, 2024.

### **5. Planning and Zoning Commission**

No report, next meeting December 27, 2023.

### **6. Beautification Committee**

No report, next meeting January 9, 2024.

## **J. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attending the Senior Center Thanksgiving Lunch sponsored by Hilcorp; Christmas Comes to Kenai; LeeShore Volunteer Appreciation Dinner; the Alaska Municipal League Conference; the Alaska Conference of Mayors; the Kenai Senior Connections Lunch honoring Buck Steiner for 25-years of service on the board; and the Wreaths Across America fundraiser.
- Receiving and invitation Mayor Dave Bronson of Anchorage to join the Southcentral Mayors' Energy Coalition to consider the energy needs of Southcentral Alaska; the coalition would explore options to meet the energy needs, while assessing costs and the availability of natural resources and communicate those findings back to their constituents.

**K. ADMINISTRATION REPORTS**

1. City Manager – City Manager Eubank reported on the following:
  - Provided an update on the Bluff Stabilization project noting it had been released for bids by the Army Corps of Engineers.
  - Attending the Municipal Managers Conference and the Alaska Municipal League Conference.
  - Working on the Old Town Walking Path with the Rotary Club.
  - Emergency Service Employees receiving a Life Saver Award, the Officers were on site within 3 minutes of the call.
  - Reminded everyone that Christmas Day would be the 20<sup>th</sup> Anniversary of the death of Officer John Watson.
2. City Attorney – City Attorney Bloom reported on the following:
  - Thanked the Council for the opportunity to attend the Alaska Municipal Attorney Conference.
3. City Clerk – City Clerk Saner reported on the following:
  - Commission Survey had closed and the results would be presented to each commission during the review process beginning in January.
  - Next meeting for the Voter Turn Out Working Group would be December 21, 2023.

**L. ADDITIONAL PUBLIC COMMENTS**

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

Student Representative Tanner reported on Connection activities including Ice Skating; Food Baskets; Holiday Movie; Moose Hunt Education. Kenai Alternative High School activities including Funding your Future event; Annual Grinch Day. Kenai Central High School sports update.

Council Member Sounart noted that she had been busy practicing and participating in school music concert and the Kenai Peninsula Orchestra and Choir were back together after four years. She wished everyone a Merry Christmas and Happy New Year.

Council Member Askin noted attending the Senior Center Thanksgiving Lunch hosted by Hilcorp; Christmas Comes to Kenai; and the Alaska Municipal League Conference (AML) stating she had attended the session on opioids and it was frightening how much of it was in Alaska. She thanked our Fire Fighters and Police Officers, stating she would never forget Officer John Watson and wished everyone a Merry Christmas and Happy New Year.

Council Member Daniel thanked all of our First Responders, noting how much kids loved it when the Resource Officers are in the schools for the DARE program. He reported attending the Alaska Municipal League Conference and the benefits of hearing from other communities in our state and the issues they are facing. He wished everyone a Merry Christmas and Happy New Year

Council Member Baisden wished everyone a Merry Christmas and stated the importance of remembering Officer John Watson.

Vice Mayor Knackstedt noted attending the LeeShore Center Volunteer Appreciation; and the Alaska Municipal League Conference.

**M. EXECUTIVE SESSION - None.**

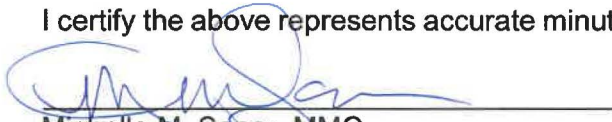
**N. PENDING ITEMS - None.**

O. **ADJOURNMENT**

P. **INFORMATIONAL ITEMS** - None.

There being no further business before the Council, the meeting was adjourned at 8:33 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of December 20, 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.*