

**KENAI CITY COUNCIL - REGULAR MEETING  
FEBRUARY 21, 2024 - 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 February 21, 2024, 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
Alex Douthit	Victoria Askin
James Baisden ( <i>remote participation</i> )	

A quorum was present.

Also in attendance were:

**\*\*Xinlan Tanner, Student Representative**  
Terry Eubank, City Manager  
Scott Bloom, City Attorney  
David Swarner, Finance Director  
Linda Mitchell, 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 E. 1. | <b>Public Hearing - Ordinance No. 3391-2024</b> <ul style="list-style-type: none"><li>• Amendment Memo</li></ul>  |
| Add to item E. 2. | <b>Public Hearing - Ordinance No. 3392-2024</b> <ul style="list-style-type: none"><li>• Postponement Memo</li></ul>                                       |
| Add to item G. 1. | <b>Unfinished Business/Public Hearing - Resolution No. 2024-05</b> <ul style="list-style-type: none"><li>• Update and Further Postponement Memo</li></ul> |

**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. John Williams, CIRCAC Reappointment

John Williams, former Mayor of the City of Kenai thanked Mayor Gabriel and the City Council for nominating him for re-appointment to the Cook Inlet Regional Citizen's Advisory Council Board (CIRCAC) and provided an overview of the history of CIRCAC.

Shaylon Cochran, CIRCAC Director of Communications and Public Outreach provided an update on the current activates which includes long term steps and response strategies.

**D. UNSCHEDULED PUBLIC COMMENTS**

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center reported on the relocation of the Steelhead Platform Model; that Kenaitze Indian Tribe members would be reviewing artifacts; and the new Cultural display is anticipated to be reopened in April.

Marion Nelson, Kenai Fine Art Center Board President addressed the Council regarding the First Friday Opening Reception, "Medieval Forest" which sets the stage for the TreeFort Theater production of the True Tale of Robin Hood.

**E. PUBLIC HEARINGS**

1. **Ordinance No. 3391-2024** - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use. (Knackstedt)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3391-2024. Council Member Daniel **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Duke Hardcastle addressed the Council with concerns on how the changes would effect his existing business within the area.

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

It was reported that this ordinance would amend the Comprehensive Plan (plan) and the plan was really a vision for the City; the changes to the plan would align with the Waterfront Development vision of the City; and this does not change the current zoning, Ordinance 3392-2024 would make those adjustments.

**MOTION TO AMEND:**

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3391-2024 as follows:

Eleventh whereas clause to read, “the Harbor Commission and Planning and Zoning Commission held a joint work session on February 12, 2024 to discuss the proposed ordinance to create a waterfront zoning district and amend the Comprehensive Plan; and,”

Twelfth whereas clause to read, “the Planning and Zoning Commission at its regularly scheduled meeting of February 14, 2024 approval on amendment of the Comprehensive Plan Land Use Designation; and,”

Thirteenth whereas clause to read, “the Harbor Commission at its regularly scheduled meeting of February 12, 2024 recommended approval on amending the Comprehensive Plan Land Use Designation.”

Council Member Askin **SECONDED** the motion.

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

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

**VOTE ON MAIN MOTION AS AMENDED:**

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

NAY: None

\*\*Student Representative Tanner: Yea

**MAIN MOTION AS AMENDED PASSED.**

2. **Ordinance No. 3392- 2024** - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District. (Knackstedt)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3392-2024. 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 recommended proposed amendments from the Planning and Zoning Commission; and the benefit to having a work session to discuss the ordinance with the Planning and Zoning Commission.

**MOTION TO POSTPONE:**

Vice Mayor Knackstedt **MOVED** to postpone Ordinance No. 3392-2024 to March 20, 2024 and to schedule a Joint Work Session with the Planning & Zoning Commission on March 20, 2024 at 4:30 p.m. Council Member Askin **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion to postpone and schedule a Joint Work Session.

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

3. **Ordinance No. 3393-2024** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3393-2024. 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.

Appreciation was stated for the individuals who donated.

**VOTE:**

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

NAY: None

\*\*Student Representative Tanner: Yea

**MOTION PASSED.**

4. **Ordinance No. 3394-2024** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Supplemental Funding to the Street Lights Repair and Maintenance Operational Budget. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3394-2024. 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 98% of the current budget for street light repairs and locates had been expended and the request for additional funding would allow utility locates to continue uninterrupted into the spring and summer construction season.

There was discussion regarding possible amendments to the fee schedule; the addition of a summer hire position for to provide locate services rather than contracting for them; and concerns were stated regarding a summer hire not having the necessary qualifications to perform the locates.

**VOTE:**

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

NAY: None

\*\*Student Representative Tanner: Yea

**MOTION PASSED.**

5. **Ordinance No. 3395-2024** - Increasing Estimated Revenues and Appropriations in the General Fund for Radio Advertising and Approving Council Policy 20.030-Radio Advertising for Public Meetings and Elections. (Douthit)

**MOTION:**

Council Member Douthit **MOVED** to enact Ordinance No. 3395-2024. Council Member Daniel **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 need to explore ways to reach voters and promote City events; concerns were stated regarding the effectiveness of increasing voter participation with the allocation of funds; the need for the policy if the funds would be used for advertising meetings and elections; comparison was provided for a Public Service Announcement verses paid advertising; City purchasing requirements which would require the City to explore options for cost-effectiveness; advertising at the department level would be a budgetary item; evaluating the number of ads and associated cost for events and promotions of the city; and general concerns related to the value of advertising for a non-commercial entity like the city.

**VOTE:**

YEA: Douthit, Daniel

NAY: Baisden, Askin, Gabriel, Sounart, Knackstedt

\*\*Student Representative Tanner: Yea

**MOTION FAILED TO ENACT.**

*[Clerk's Note: A motion to suspend the rules to hear agenda item H. 8. prior to agenda item E. 6. was unanimously approved.]*

**H. 8. Action/Approval** - Special Use Permit to Nilchil Solutions, LLC for an Off-Premise Sign on City-Owned Property Described as Tract B, Gusty Subdivision Addition No. 2 Located at 11631 Kenai Spur Highway. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to authorize a Special Use Permit to Nilchil Solutions, LLC for an Off-Premise Sign. Council Member Askin **SECONDED** the motion.

It was reported that this Special Use Permit (SUP) was different than most; zoning code prohibits off-premise signs and a variance was granted by the Planning and Zoning Commission; and the applicant was aware of the requirement to renew yearly.

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

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

**6. Ordinance No. 3396-2024** - Amending Kenai Municipal Code 4.31.015 - Local Amendments to the 2009 International Fuel Gas Code for Housekeeping Purposes. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3396-2024. 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 these were general housekeeping amendments.

**VOTE:**

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

NAY: None

\*\*Student Representative Tanner: Yea

**MOTION PASSED.**

**7. Ordinance No. 3397-2024** - Increasing Estimated Revenues and Appropriations in the Water Sewer Capital Project Fund for the Cemetery Creek Culvert Replacement Project and Accepting a Donation from the Kenai Foundation in Support of the Project. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3397-2024. 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 funds were from the Silver Salmon Derby.

**VOTE:**

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

NAY: None

\*\*Student Representative Tanner: Yea

**MOTION PASSED.**

**8. Ordinance No. 3398-2024** - Amending Kenai Municipal Code Title 6 - Elections, to Enhance Consistency, Promote Efficiencies and Make Housekeeping Changes. (City Clerk)

**MOTION:**

Council Member Askin **MOVED** to enact Ordinance No. 3398-2024. 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 this would amend portions of the recount process; remove retention of election records from code and refer to the Council adopted retention schedule; amend the number of nomination-petitions a voter could sign; added new sections for Write-In Candidates and Review of Returned By-Mail or Electronic Transmission ballots; repeal and combine into one section the Vote By-Mail and Vote By-Electronic Transmissions chapters; and included other housekeeping amendments.

Clarification was that a voter requesting to be on a permanent absentee status would be mailed an application for an absentee ballot annually and that a ballot package would only be sent if the completed application was returned to the Clerk's Office.

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3399-2024 as follows:

Section 4, paragraph (b)(5) to read, "Certification that the petitioners' names appear on current voter registration rolls for the City of Kenai [ , ARE QUALIFIED TO VOTE FOR A CANDIDATE FOR ELECTIVE MUNICIPAL OFFICE AND HAVE NOT SIGNED MORE NOMINATING PETITION THAN THERE ARE VACANCIES TO BE FILLED FOR THE PARTICULAR OFFICE THE NAMED CANDIDATE SEEKS]."

Section 4, paragraph (c) to read, "[IF A VOTER SIGNS MORE NOMINATION PETITIONS THAN HEREBY AUTHORIZED, THE VOTERS' SIGNATURE WILL BE VOID EXCEPT AS TO THE AUTHORIZED NUMBER OF PETITIONS FIRST FILED WITH THE CLERK.] A voter may sign as many petitions that are circulated for each election, but may only sign each petition one time. If a voter signs one petition more than once, only one signature will be counted."

Council Member Askin **SECONDED** the motion.

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

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

**VOTE ON MAIN MOTION AS AMENDED:**

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

NAY: None

\*\*Student Representative Tanner: Yea

**MAIN MOTION AS AMENDED PASSED.**

**9. Ordinance No. 3399-2024** - Awarding a Service Contract for Airport Security Guard Services at The Kenai Municipal Airport and Increasing Estimated Revenues and Appropriations in the Airport Fund for Costs in Excess of Budgeted Amounts. (Administration) [KMC 1.15.070(d)]

**MOTION:**

Vice Mayor Knackstedt **MOVED** to introduce Ordinance No. 3399-2024. Council Member Sounart **SECONDED** the motion.

**VOTE ON MOTION TO INTRODUCE:**

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

NAY: None

**\*\*Student Representative Tanner: Yea**

**MOTION TO INTRODUCE PASSED.**

**MOTION:**

Vice Mayor Knackstedt **MOVED** to conduct the second reading on Ordinance No. 3399-2024. Council Member Daniel **SECONDED** the motion.

**VOTE ON MOTION FOR SECOND READING:**

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

NAY: None

**\*\*Student Representative Tanner: Yea**

**MOTION FOR SECOND READING PASSED.**

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3399-2024. 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: Knackstedt, Douthit, Baisden, Askin, Gabriel, Daniel, Sounart

NAY: None

**\*\*Student Representative Tanner: Yea**

**MOTION PASSED.**

**H. MINUTES**

1. \*Regular Meeting of February 7, 2024. (City Clerk)

**I. UNFINISHED BUSINESS**

1. **Resolution No. 2024-05** - Amending the Employee Classification Plan by Reclassifying the Public Works Building Official/Manager to a Building Official and Adjusting the Range for this Class. (Administration) *[At the 02/07/24 Council Meeting, this item was postponed to 02/21/24]*

*[Clerk's Note: The motion to adopt Resolution No. 2024-05 was on the floor from the February 7, 2024 City Council meeting.]*

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 administration was requesting further postponement to allow the interview process to be completed prior to amending the classification of the position.

**MOTION:**

Vice Mayor Knackstedt **MOVED** to postpone Resolution No. 2024-05 until March 6, 2024. Council Member Askin **SECONDED** the motion.

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

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

**J. NEW BUSINESS**

1. \*Action/Approval - Bills to be Ratified. (Administration)

Approved by the consent agenda.

2. \*Action/Approval - Authorizing a Memorandum of Agreement with Greatland Consulting and Training LLC. for Use of the Alaska Regional Fire Training Facility. (Administration)

Approved by the consent agenda.

3. **\*Action/Approval** - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)

Approved by the consent agenda.

4. **\*Action/Approval** - Confirmation of Mayoral Nomination of John Williams for Appointment as City of Kenai Representative to the Cook Inlet Regional Citizens Advisory Council Board. (Mayor Gabriel)

Approved by the consent agenda.

5. **\*Action/Approval** - Non-Objection to the Renewal 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.

6. **\*Ordinance No. 3400-2023** - Increasing Estimated Revenues and Appropriations in the Airport Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's Airport Fund. (Administration)

Introduced by the consent agenda and Public Hearing set for March 6, 2024.

7. **\*Ordinance No. 3401-2023** - Increasing Estimated Revenues and Appropriations in the General Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's General Fund. (Administration)

Introduced by the consent agenda and Public Hearing set for March 6, 2024.

*[Clerk's Note: Agenda item H. 8. was heard prior to agenda item E. 6.]*

9. **Discussion/Action** - Scheduling a Work Session for the Purpose of Discussing the Emergency Services Facility Improvements as Presented in the CIP Plan. (Administration)

The work session was scheduled for April 3, 2024 at 4:30 p.m.

## **K. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging

Council Member Baisden reported on the February 8, 2024 Work Session, next meeting March 14, 2024.

2. Airport Commission

No report, next meeting March 14, 2024.

3. Harbor Commission

Council Member Askin reported on the February 12, 2024 Joint Work Session with the Planning Commission and the February 12, 2024 Regular Meeting, next meeting March 11, 2024.

4. Parks and Recreation Commission

No report, next meeting March 7, 2024.

5. Planning and Zoning Commission

Council Member Douthit reported on the February 14, 2024 Regular Meeting, next meeting February 28, 2024.

6. Beautification Committee

Council Member Daniel reported on the February 13, 2024 Regular Meeting, next meeting April 9, 2024.



## **L. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Participation with the 2024 Job Shadow Event
- Cutting the ribbon at the opening of Madly Krafty
- Attending the Board of Fish Meeting in Anchorage

## **M. ADMINISTRATION REPORTS**

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

- Installation of a path on top of the Bluff Stabilization wall was not a part of the project covered by the Army Corps of Engineers; funding for installation of the path would be the full responsibility of the City and grant funds received for the project were eligible for the path.
- Planning Director Mitchell applied for a Hazard Mitigation Plan Update grant through FEMA with 100% cost share.
- There would be periodic closures at Recreation Center during the roof and floor repairs.
- The 2024 Silver Salmon Derby permit was approved.
- Working on proposed amendments to the Airport and General land lease codes.

2. City Attorney, no report:

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

- Additional security features were implemented with Zoom meetings.
- The final meeting of the Voter Turn Out Work Group is scheduled for February 22, 2024.
- Reported on Alaska Legislature House Bill 250 - An Act relating to municipal and school board elections; declaring Election Day a holiday; relating to terms of office for municipal mayors, municipal governing bodies, elected utility boards, and school boards; and providing for an effective date.

## **N. ADDITIONAL PUBLIC COMMENTS**

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

2. Council Comments

Council Member Douthit noted he had two participants at his business for the Job Shadow Event and reminded everyone to visit the Cultural Center at the Visitor Center.

Student Representative Tanner provided a report on the activities and upcoming events at Connection Home School, Kenai Alternative High School and Kenai Central High School.

Council Member Sounart thanked the City Clerk for her work on Ordinance No. 3398-2024 and for the report regarding HB250.

Council Member Daniel apologized for missing the last meeting and noted his participation at the Love of Reading Event held at Mountain View Elementary.

Council Member Knackstedt noted that he was able to get a Voter Pamphlet during the last election at the Library.

## **O. EXECUTIVE SESSION - None.**

**P. PENDING ITEMS**

**Q. ADJOURNMENT**

**R. INFORMATIONAL ITEMS - None.**

There being no further business before the Council, the meeting was adjourned at 9:03 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of February 21, 2024.



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.*