

**KENAI CITY COUNCIL – REGULAR MEETING
MAY 15, 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 May 15, 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
Phil Daniel
Alex Douthit

Henry Knackstedt, Vice Mayor
Deborah Sounart
Victoria Askin

A quorum was present.

Absent:

James Baisden

Also in attendance were:

****Xinlan Tanner, Student Representative**
Terry Eubank, City Manager
Scott Bloom, City Attorney
David Swarner, Finance Director
Linda Mitchell, Planning Director
Stephanie Randall, Human Resource Director
Tyler Best, Parks and Recreation 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. 5.

Public Hearing – Ordinance No. 3416-2024

- Beautification Committee Recommendation Amendment
- Council on Aging Requested Amendment

Add to item E. 7.

Public Hearing – Ordinance No. 3417-2024

- Public Comment

Add item P. 1.

Informational Items

- Peninsula Oilers funding Request Letter
- KPB Comprehensive Safety Action Plan Virtual Public Workshop

MOTION:

Vice Mayor Knackstedt **MOVED** to approve the agenda and consent agenda with the requested revisions. Council Member Sounart **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: Motion **APPROVED**, without objection.

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 - None.

E. PUBLIC HEARINGS

1. **Ordinance No. 3412-2024** - Accepting and Appropriating Grant Funds from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3412-2024. 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: Askin, Douthit, Sounart, Knackstedt, Daniel, Gabriel

NAY: None

ABSENT: Baisden

**Student Representative Tanner: Yea

MOTION PASSED.

2. **Ordinance No. 3413-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3413-2024. 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.

Clarification was provided on the grant application process and ongoing funding requests.

VOTE:

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

NAY: None

ABSENT: Baisden

**Student Representative Tanner: Yea

MOTION PASSED.

3. **Ordinance No. 3414-2024** - Repealing Kenai Municipal Code Sections 13.10.010(a)(2) - Miscellaneous Offenses, 13.10.020 - Loitering and Sleeping on the Streets, Schools, and 13.10.030 - Curfew, to Remove Certain City Prohibitions Regarding Begging, Loitering and Sleeping, and Curfews in the City that are Not Enforceable as Specifically Written in Code. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3414-2024. 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.

It was reported that the provisions in code are broad and as currently written not enforceable; begging or asking for help is no longer speech that can be prohibited on its own; sleeping in public is different than camping other provisions of code addressed camping in undesignated areas; enactment of this ordinance would not limit the Police Departments ability to enforce State Laws and address illegal conduct.

There was discussion regarding putting something in place regarding curfews.

VOTE:

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

NAY: None

ABSENT: Baisden

**Student Representative Tanner: Yea

MOTION PASSED.

4. **Ordinance No. 3415-2024** - Authorizing a Donation of Surplus Sand from the Kenai Municipal Airport to the Triumvirate Theatre for the Construction of a New Theatre. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3415-2024. Council Member Sounart **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Joe Rizzo, Triumvirate Theatre President addressed the Council, thanking them for supporting the rebuild; the land donation; and noted that the sand donation value was roughly the same amount as lobby furniture.

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

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance 3415-2024 as follows:

Tenth whereas clause to read, "At its meeting on May 9, 2024 the City of Kenai Airport Commission recommended enactment of this Ordinance; and,"

Council Member Sounart **SECONDED** the motion to amend.

UNANIMOUS CONSENT was requested on the motion to amend.

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

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None

ABSENT: Baisden

**Student Representative Tanner: Yea

MAIN MOTION AS AMENDED PASSED.

5. **Ordinance No. 3416-2024** - Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks and Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning And Zoning Commission - Qualifications and Membership, and Approving Amendments to The Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions. (City Clerk)

- **Ordinance No. 3416-2024 Substitute** - Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks and Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning and Zoning Commission - Qualifications and Membership, and Approving Amendments to the Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions. (City Clerk)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3416-2024. 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.

MOTION TO AMEND BY SUBSTITUTE:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3416-2024 by Substitute Ordinance No. 3416-2024. Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend by substitute.

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

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Substitute Ordinance 3416-2024 as follows:

Eleventh whereas clause to read, "the Beautification Committee at their May 14, 2024, regular meeting recommended that the City Council enact this Ordinance; and",

Council Member Askin **SECONDED** the motion to amend.

UNANIMOUS CONSENT was requested on the motion to amend.

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

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Substitute Ordinance 3416-2024 as follows:

Section 2, Chapter 1.95 - Standing Advisory Commissions, Section 1.95.030 - Council on Aging Commission, paragraph (b)(1)(ii) to read, "Development and use of Senior Center or other facilities owned or managed by the City for the provision of services for senior citizens, [EXCLUDING VINTAGE POINTE-INDEPENDENT SENIOR HOUSING]."

Council Member Askin **SECONDED** the motion to amend.

UNANIMOUS CONSENT was requested on the motion to amend.

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

A summary timeline of the Board, Commission and Committee review process authorized by Council was provided.

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None

ABSENT: Baisden

**Student Representative Tanner: Yea

MAIN MOTION AS AMENDED PASSED.

6. **Ordinance No. 3417-2024** - Increasing Estimated Revenues and Appropriations by \$12,600 in the General Fund for the Purchase of Approximately 7.8 Acres of Real Property Described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be Retained by the City for a Public Purpose and Determining that the Public Interest will not be Served by an Appraisal. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3417-2024. 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 parcel could be utilized for expansion of the Wastewater Treatment Plant in the future; would provide protection of drainages and wetlands; a provision of this would establish easement access for property owners to access areas where they were providing bluff stabilization for their own properties; and that the City would not be served by having an appraisal done.

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance 3417-2024 as follows:

Eight whereas clause to read, "at its meeting on May 6, 2024 the Harbor Commission recommended enactment of this Ordinance; and"

Council Member Sounart **SECONDED** the motion to amend.

UNANIMOUS CONSENT was requested on the motion to amend.

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

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None

ABSENT: Baisden

**Student Representative Tanner: Yea

MAIN MOTION AS AMENDED PASSED.

7. **Resolution No. 2024-16** - Authorizing a Budget Transfer within the Water and Sewer Capital Project Fund for Lift Station Renovation Projects. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-16. 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 City has nineteen lift stations, many over 50-years old; this project will update the lift stations with more efficient and reliable equipment; and the City would retain the old equipment to use as spare parts for the older stations until they can be upgraded.

UNANIMOUS CONSENT was requested.

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

8. Resolution No. 2024-17 - Renaming Cook Inlet View Drive to Cook Inlet Drive. (Sounart)

MOTION:

Council Member Sounart **MOVED** to adopt Resolution No. 2024-17. 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.

MOTION TO REFER AND POSTPONE:

Council Member Sounart **MOVED** to refer Resolution No. 2024-17 to the Planning and Zoning Commission's May 29, 2024 regular meeting for recommendation to Council and to postpone Resolution No. 2024-17 to the June 5, 2024 regular City Council meeting. Council Member Askin **SECONDED** the motion to refer and postpone.

UNANIMOUS CONSENT was requested on the motion to refer and postpone.

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

9. Resolution No. 2024-18 - Accepting an Airport Improvement Program Grant from the Federal Aviation Administration for an Eco-Cart. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-18. 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 an Eco-Cart allows for accurate testing of the AFFF used in the ARFF trucks; ensures that the ARFF trucks are operational and ready to respond to emergencies; and minimizes waste during testing.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of May 1, 2024. (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** - Second Extension to the Agreement with Redline Sports for Management Services at the Kenai Multi-Purpose Facility. (Administration)

Approved by the consent agenda.

4. ***Ordinance No. 3418-2023** - Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2024 and Ending June 30, 2025 and Committing \$4,499,039 of General Fund, Fund Balance for Future Capital Improvements. (Administration)

Introduced by the consent agenda and Public Hearing set for June 5, 2024.

5. ***Ordinance No. 3419-2023** - Amending Sections of Kenai Municipal Code Title 23 - Personnel Regulations, Sections 23.05.070 - Definitions, 23.25.070 - Acting Positions, 23.30.030 - Probationary Period for Employees in the Classified Service, 23.30.110 - Travel Expense, 23.40.040 - Terminal Leave, 23.55.020 - Compensation Structure by Grade for Employees in the Classified Service, 23.55.030 - Qualification Pay, and 23.55.080 - Longevity Pay for Employees in the Classified Service, to Ensure Appropriate Compensation and Benefits to City Employees Comparable to Other Places of Public Employment Improving Recruitment and Retention of Qualified Employees. (Administration)

Introduced by the consent agenda and Public Hearing set for June 5, 2024.

6. ***Ordinance No. 3420-2023** - Increasing Estimated Revenues and Appropriations in the General Fund and Municipal Roadway Improvements Capital Fund and Awarding a Construction Agreement and Corresponding Purchase Order for the 2024 Lilac Lane Roadway Improvement Project. (Administration)

Introduced by the consent agenda and Public Hearing set for June 5, 2024.

7. **Action/Approval** - Council on Aging 2024 Work Plan. (City Clerk)

MOTION:

Vice Mayor Knackstedt **MOVED** approve the Council on Aging 2024 Work Plan. Council Member Askin **SECONDED** the motion.

Council on Aging, Vice Chair Craig provided a summary and overview of the Council on Aging, 2024 Work Plan Objectives.

UNANIMOUS CONSENT was requested on the motion.

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

8. **Action/Approval** - Parks and Recreation Commission 2024 Work Plan. (City Clerk)

MOTION:

Vice Mayor Knackstedt **MOVED** to approve the Parks and Recreation Commission 2024 Work Plan. Council Member Askin **SECONDED** the motion.

Council discussion noted concerns with Objective No. 2 directing staff.

MOTION TO DIVIDE THE QUESTION:

Vice Mayor Knackstedt **MOVED** to Divide the Question to vote and discuss Parks & Recreation Commission Work Plan, Objective No. 2 separate from Objectives 1, 3 & 4. Council Member Askin **SECONDED** the motion to Divide the Question.

UNANIMOUS CONSENT was requested on the motion to divide the question.

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

It was reported that Objective No. 2 would require staff to keep a log of comments and report the information gathered to the Commission.

There was discussion that Advisory Commissions roles did not include administrative direction to Staff.

VOTE ON PARKS AND RECREATION COMMISSION 2024 WORK PLAN, OBJECTIVE NO. 2:

YEA: None

NAY: Askin, Douthit, Sounart, Knackstedt, Daniel, Gabriel

ABSENT: Baisden

****Student Representative Tanner:** Nay

MOTION FAILED TO APPROVE.

UNANIMOUS CONSENT was requested on Parks and Recreation Commission Work Plan Objective No's 1, 3 & 4.

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

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report, next meeting June 13, 2024.

2. Airport Commission

Council Member Sounart reported on the May 9, 2024 meeting, next meeting June 13, 2024.

3. Harbor Commission

Council Member Askin reported on the May 6, 2024 meeting, next meeting June 10, 2024.

4. Parks and Recreation Commission

Council Member Douthit reported on the May 2, 2024 meeting, next meeting June 6, 2024.

5. Planning and Zoning Commission

Council Member Douthit reported on the May 8, 2024 meeting, next meeting May 29, 2024.

6. Beautification Committee

Council Member Daniel reported on the May 14, 2024 meeting, next meeting September 10, 2024.

J. REPORT OF THE MAYOR

Mayor Gabriel reminded everyone about the upcoming Memorial Day Ceremonies.

K. ADMINISTRATION REPORTS

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

- Slash Site opening on May 16, 2024.
- Conducting interviews for Fire Chief.
- Upcoming retirement party for Airport Operations Supervisor Jim Lackey.
- Recruitment for summer positions still ongoing.
- Storefront & Streetscape Improvement applications period closes on May 17, 2024.
- Meeting with the City's Health Insurance Broker.
- Meeting with the City's Marketing Firm.

- KPB comprehensive Safety Action Plan meetings and public comment opportunities.
- Working with KPB regarding Federal Funding for Beetle Kill mitigation.
- Invitation from Kenaitze for the Cultural Heritage Interpreter Site in Cooper Landing Re-Grand Opening on June 7, which possibly conflicts with the ribbon cutting ceremony for the Bluff Stabilization Project.
- Airline Leakage Study tentatively scheduled for presentation at the June 19, 2024 City Council Meeting.
- An overtime rate calculation error was identified, working with the City Finance Director and Attorney.
- Please work with the Finance Director on proposed amendments to the budget, to ensure things go smoothly during the budget hearing.
- On May 9, 2024 the Senate Finance Committee added to HB 347 a provision that would increase the mandatory Senior Citizen, Disabled Veteran tax exemption on real property to \$450,000; currently it is \$150,000.

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*)

2. Council Comments

Council Member Douthit noted that at the recent KPB land sale auction, some properties auctioned at double their assessed amount, indication current land values; and that while cleaning out the Moose Meat John Cabin a letter written by Mayor Gabriel when he was younger was found.

Student Representative Tanner reported that May 16, 2024 would be the last day of school this year for Kenai Alternative High School and Kenai Central High School; and provided an update on sports activities.

Council Member Sounart noted she was looking forward to the Bluff Stabilization Project, ribbon cutting ceremony.

Vice Mayor Knackstedt thanked Council Member Sounart for covering the Airport Commission meeting for him; and encouraged Council Members to work with the Administration and pre-plan proposed budget amendments.

M. EXECUTIVE SESSION - None.

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATIONAL ITEMS

1. Bishops Attic Donation Letter

There being no further business before the Council, the meeting was adjourned at 7:43 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of May 15, 2024.


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.*