

**KENAI CITY COUNCIL – REGULAR MEETING  
APRIL 3, 2019 – 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 April 3, 2019, 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	Robert Molloy
Henry Knackstedt	Tim Navarre
Jim Glendenning	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

\*\*Student Representative Tristan Summers  
Paul Ostrander, City Manager  
Scott Bloom, City Attorney  
Jamie Heinz, City Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following revisions to the packet:

Add to item G.6.	Schedule Special Meetings
	• Calendar of Meetings

Add to item G.7.	Schedule Special Meetings
	• Calendar of Meetings

**MOTION:**

Council Member Molloy **MOVED** to approve the agenda with the requested revisions to the packet and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

**VOTE:** There being no objections, **SO ORDERED.**

**4. Consent Agenda**

**MOTION:**

Council Member Knackstedt **MOVED** to approve the consent agenda and Council Member Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

It was requested item G.4., Ordinance No. 3061-2019, be pulled from the consent agenda.

**VOTE:** There being no objections, **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 PUBLIC COMMENTS**

1. **Mark Griffin** – Past, Present and Future of the Kenai Golf Course

Mr. Griffin was not present to speak.

**C. UNSCHEDULED PUBLIC COMMENTS – None.**

**D. PUBLIC HEARINGS**

1. **Ordinance No. 3056-2019** – Amending Kenai Municipal Code 14.22.010-Land Use Table, to Allow Business/Consumer Services and Taxidermy/Gunsmithing in RR1 Zoning District by Conditional Use Permit and Removing the Location Restriction on Professional Offices Allowed by Conditional Use Permit Within the RR1 Zone. (Council Members Peterkin & Glendening)

**MOTION:**

Council Member Peterkin **MOVED** to enact Ordinance No. 3056-2019 and Council Member Glendening **SECONDED** the motion.

Mayor Gabriel opened the public hearing.

Greg Anderson spoke against the ordinance noting the changes in noise and traffic to his residential neighborhood, which allowed certain businesses by conditional use. He suggested the businesses could be in other areas, which allowed businesses, and where there were vacant spaces.

Ron Carlson spoke in favor of the ordinance noting he had wanted to open a small gunsmithing business in his shop, which was in an RR1 zone. He added that he understood the RR1 zone had limitations and a Conditional Use Permit could ensure the neighborhood feel. Kellie Kelso spoke against the ordinance due to the process noting those that lived in the RR1 zones had not been notified by mail that the ordinance was being considered.

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

There was discussion regarding the effect of the ordinance providing the ability to apply to conditionally allow certain businesses that do not impact the intent of the RR1 Zone, the process the ordinance is following, and notice to residents.

#### **MOTION TO POSTPONE:**

Vice Mayor Navarre **MOVED** to postpone to the April 17 Council Meeting and Council Member Molloy **SECONDED** the motion.

#### **MOTION TO AMEND POSTPONEMENT:**

Council Member Molloy **MOVED** to amend postponement to the May 1 Council Meeting for an additional public hearing and to send it back to the Planning and Zoning Commission for a recommendation to be considered at their next meeting.

The motion to amend postponement died for lack of a second.

#### **VOTE ON POSTPONEMENT:**

YEA: Knackstedt, Gabriel, Pettey, Navarre, Molloy  
NAY: Glendening, Peterkin  
\*\*Student Representative Summers: YEA

#### **MOTION PASSED.**

2. **Ordinance No. 3057-2019** – Accepting and Appropriating a Grant from the State of Alaska Department of Public Safety for Crime Prevention and Response and Equipment for the Purchase of Portable Radios and Accessories for the Police Department, and to Purchase Supplies in Support of the D.A.R.E Programs Conducted by the Police Department in Local Elementary Schools. (Administration)

#### **MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3057-2019 and Council Member Molloy **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

Appreciation was expressed for acquiring the grant.

#### **VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Pettey, Molloy, Peterkin, Navarre  
NAY:

\*\*Student Representative Summers: YEA

**MOTION PASSED UNANIMOUSLY.**

3. **Ordinance No. 3058-2019** – Amending Provisions in Kenai Municipal Code Title 7 – Finance, Taxation, and Business Affairs of the City, including Investment of Monies – Scope and Objectives 7.22.010; Land Sale Permanent Funds – General Fund Land Sale Permanent Fund 7.30.005; Investments 7.30.020; Investments 7.30.020; Investments 7.30.020; and Investments 7.30.020 for Updates to Management Practices for the City’s General Land Sale and Airport Land Sale Permanent Funds. (Administration)

**MOTION:**

Council Member Molloy **MOVED** to enact Ordinance No. 3058-2019 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

The Finance Director was thanked for his work to bring forth the Ordinance; it was noted the changes would work well for the City in the coming years.

Clarification was provided on the recommendations being made for draws, investment strategy, and allocations to maintain the integrity of the funds, making them sustainable for the next generation.

**VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Pettey, Molloy, Peterkin, Navarre

NAY:

\*\*Student Representative Summers: YEA

**MOTION PASSED UNANIMOUSLY.**

There was no objection to a suspension of the rules to allow Assembly Member Smalley speak.

There was discussion regarding the State’s FY2020 budget and associated policy changes.

4. **Resolution No. 2019-19** – Supporting the Kenai Peninsula College. (Vice-Mayor Navarre)

**MOTION:**

Vice Mayor Navarre **MOVED** to adopt Resolution No. 2019-19 and Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

The sponsor was thanked for bringing forth the Resolution.

Clarification was provided that the reduction in funding in the Governor's proposed budget was to the entire University of Alaska system and, if it was approved by the legislature, it would be a Board of Regents decision how that would affect the different facilities.

There was no objection to all Council Members signing the resolution.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objections, **SO ORDERED.**

5. **Resolution No. 2019-20** – Supporting the Continued Operation of Sentenced Facilities at Wildwood Correctional Complex. (Council Member Peterkin)

**MOTION:**

Council Member Peterkin **MOVED** to adopt Resolution No. 2019-20 and Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

Clarification was provided that the House Finance Committee didn't recommend sending prisoners out of state and found revenue and cost savings to support the recommendation.

There was no objection to all Council Members signing the resolution.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objections, **SO ORDERED.**

6. **Resolution No. 2019-21** – Authorizing the Award of a Construction Agreement for the Waste Water Treatment Plant Blowers Replacement / DO Analyzer Installation Project. (Administration)

**MOTION:**

Council Member Glendening **MOVED** to adopt Resolution No. 2019-21 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

Clarification was provided regarding the amounts of the bids being near what the Public Works Director expected, the amount of the deductive alternate, alternate plans for the deductive alternate, and tracking cost savings.

**VOTE:**

**YEA:** Knackstedt, Gabriel, Glendening, Pettey, Molloy, Peterkin, Navarre

NAY:

\*\*Student Representative Summers: YEA

7. **Resolution No. 2019-22** – Authorizing the City Manager to Enter into an Amended Bar and Lounge Concession Agreement with the Kenai Municipal Airport. (Administration)

**MOTION:**

Council Member Molloy **MOVED** to adopt Resolution No. 2019-22 and Council Member Glendening **SECONDED** the motion.

Mayor Gabriel opened the public hearing; there being no one wishing to be heard, public hearing was closed.

Council Member Peterkin disclosed familial relationship with the owners of the bar and lounge. The Mayor noted there was a potential conflict and ruled that Council Member Peterkin would not vote on the matter.

Clarification was provided regarding certain costs that would still be incurred while the business was shut down and negotiations that were ongoing.

Appreciation was expressed for the operators working with the City during the renovation project.

**VOTE:**

YEA: Knackstedt, Gabriel, Glendening, Pettey, Molloy, Navarre

NAY:

\*\*Student Representative Summers: YEA

**MOTION PASSED UNANIMOUSLY.**

**E. MINUTES**

- 1.\*Regular Meeting of March 20, 2019

Approved by the consent agenda.

**F. UNFINISHED BUSINESS – None.**

**G. NEW BUSINESS**

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

Approved by the consent agenda.

2. **\*Ordinance No. 3059-2019** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement for the Design of the Alaska Regional Fire Training Facility Rehabilitation Project. (Administration)

Introduced by the consent agenda and public hearing set for April 17.

3. **\*Ordinance No. 3060-2019** – Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)

Introduced by the consent agenda and public hearing set for April 17.

4. **\*Ordinance No. 3061-2019** – Amending Kenai Municipal Code 14.20.320 - Definitions, 14.20.330 - Standard for Commercial Marijuana Establishments and 14.22.010 - Land Use Table, to Incorporate Onsite Consumption of Marijuana at Retail Marijuana Establishments into the City Of Kenai's Code of Ordinances. (Administration)

**MOTION:**

Council Member Glendening **MOVED** to introduce Ordinance No. 3061-2019 and refer it to the Planning and Zoning Commission for a recommendation and schedule it for a public hearing before City Council on May 1. Council Member Peterkin **SECONDED** the motion.

It was requested that the question be divided and the introduction and referral to the Planning and Zoning Commission be voted on separately from the date was scheduled for public hearing before City Council.

Upcoming meeting dates and noticing requirements were discussed.

**VOTE ON INTRODUCTION AND REFERRAL:**

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objections, **SO ORDERED.**

**VOTE ON THE MAY 1 DATE FOR PUBLIC HEARING BEFORE CITY COUNCIL:**

**YEA:** Knackstedt, Glendening, Pettey, Navarre

**NAY:** Gabriel, Molloy, Peterkin

**\*\*Student Representative Summers: NAY**

**MOTION PASSED.**

5. **Action/Approval** – Donation Request for the Kenai River Festival. (Mayor Gabriel)

**MOTION:**

Council Member Knackstedt **MOVED** to approve a \$300 donation and Council Member Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objections, **SO ORDERED.**

6. **Discussion** – Schedule Special Meetings to Conduct Annual Performance Evaluations for the City Attorney, City Clerk, and City Manager. (Mayor Gabriel)

It was decided a Special Meeting would be held on Tuesday, April 23<sup>rd</sup>, beginning at 4:30 p.m. for annual performance evaluations for the City Attorney, City Manager, and City Clerk.

It was asked that an Executive Session be included on the April 17<sup>th</sup> agenda to begin discussions.

7. **Discussion** – Schedule a Work Session to Review and Discuss the Fiscal Year 2020 City of Kenai Budget. (Mayor Gabriel)

It was decided the work session would be held on Thursday, April 18<sup>th</sup>, beginning at 2:00 p.m.

#### **H. COMMISSION/COMMITTEE REPORTS**

1. Council on Aging – It was noted the March for Meals event was very successful; next meeting April 11.
2. Airport Commission – No report; next meeting April 11.
3. Harbor Commission – No report; next meeting April 8.
4. Parks and Recreation Commission – No report; next meeting April 4.
5. Planning and Zoning Commission – It was reported that on March 27 the Commission had a work session for training with the City Attorney and City Clerk regarding parliamentary procedure, open meetings act, and quasi-judicial matters. During their meeting on the same day, they approved a plat to vacate a lot line and discussed the ordinance regarding RR1 uses; next meeting April 10.
6. Beautification Committee – No report; next meeting April 9.
7. Mini-Grant Steering Committee – It was reported a meeting was being set up; report at next meeting.

#### **I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attended the town hall meeting hosed by the House Finance Committee;
- Traveled to Juneau with the City Manager and met with legislators and commissioners about the State's budget and associated policy amendments.

#### **J. ADMINISTRATION REPORTS**

1. City Manager – P. Ostrander reported on the following:
  - Proposals received for the marketing portion of the Visitor Center RFP but not the facility management portion; developing best path forward;
  - Met with the Kenai Performers Group to discuss alternative properties to suit their needs;
  - Upcoming staff meetings regarding impacts to them with the FY2020 budget;
  - The final package for the Bluff Erosion Project went to Washington D.C. on April 3rd; expect signed directors report by the end of the month.
2. City Attorney – No Report.



3. City Clerk – J. Heinz reported she attended a tour of the Anchorage Election Center - Vote by Mail facility as a part of the Kenai Peninsula Borough Election Stakeholder Group, noted the upcoming Employee Appreciation Dinner, and revealed the newly designed website.

**K. ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)

Greg Anderson spoke against the onsite consumption regulations noting the State's regulations were vague. He added that there had not been a server permit established in the regulations as there was with alcohol and that he had disliked the thought that a car could be pulling out of a retail establishment and not know how intoxicated the driver was.

2. Council Comments

Council Member Pettey thanked the members of the public that testified; attended March for Meals; looked forward to working on the budget.

Council Member Glendening thanked those that testified; asked if the City of Kenai was open for business, how to get to where we said yes.

Council Member Peterkin noted March for Meals was a great event; noted the upcoming Cook Inlet Regional Citizen's Advisory Council annual meeting.

Student Representative Summers reported on a recent choir concert and noted prom was upcoming.

Council Member Molloy noted he appreciated the reports provided by the Cook Inlet Regional Citizen's Advisory Council's president; thanked the public for testifying; thanked Mayor Gabriel and the City Manager Ostrander for their efforts in Juneau.

Council Member Knackstedt enjoyed the March for Meals event; noted the upcoming Kenai Historical Society meeting; expressed frustration with the State's budget and process.

Vice Mayor Navarre noted the great March for Meals event; looked forward to working on the budget.

**L. EXECUTIVE SESSION** – None.

**M. PENDING ITEMS**

**N. ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:57 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 3, 2019.

  
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Jamie Heinz, CMC  
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.*