

**KENAI CITY COUNCIL – REGULAR MEETING
MAY 1, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
VICE MAYOR TIM NAVARRE, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on May 1, 2019, in City Hall Council Chambers, Kenai, AK. Vice Mayor Navarre called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Vice Mayor Navarre led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor (absent)	Robert Molloy
Henry Knackstedt	Tim Navarre
Jim Glendening	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

**Tristan Summers, Student Representative
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 D.1.	Ordinance No. 3061-2019
	• Amendment Memo
Add to item D.2.	Ordinance No. 3062-2019
	• Amendment Memo

MOTION:

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

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

4. Consent Agenda

MOTION:

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

Vice Mayor Navarre opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

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 – None.

C. UNSCHEDULED PUBLIC COMMENTS

None.

D. PUBLIC HEARINGS

1. **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. (Legal)

MOTION:

Council Member Molloy **MOVED** to enact Ordinance No. 3061-2019 and Council Member Peterkin **SECONDED** the motion.

Vice Mayor Navarre opened for public hearing.

Sherry Innes spoke against the ordinance noting the recent crime and her understanding it was related to drugs. She added she was opposed to marijuana when it was initially legalized in the state and expressed concern for those consuming, and then getting on the road to drive home.

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

An overview of the Planning and Zoning Commission recommendation was provided.

Whether there was a need for the endorsement in the community, local operators intent to apply for the endorsement, concerns about testing levels in a person's system when driving, length of

time marijuana stays in a person's system, not wanting to put drivers on roads at risk, and minimal public input regarding the matter were topics discussed.

MOTION TO AMEND:

Council Member Molloy **MOVED** to amend section 2 of the ordinance to read: "(a) Commercial marijuana establishments and indoor only onsite consumption endorsements may be permitted or allowed with a conditional use permit under KMC 14.20.150, as provided in the City of Kenai's land use table, KMC 14.22.010, and the provisions of this section," and Council Member Knackstedt **SECONDED** the motion.

It was noted the effect was to limit consumption to indoor only. Clarification was provided that there were regulations in place for odor control.

VOTE ON THE AMENDMENT:

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

NAY:

**Student Representative Summers: YEA

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Molloy **MOVED** to amend section 2 of the ordinance to read: "(k) An onsite consumption endorsement may only be operated on a daily basis between the hours of 2:00 p.m. and 10:00 p.m." and Council Member Peterkin **SECONDED** the motion.

It was suggested there needed to be something in code to limit the hours as there was nothing in state law.

VOTE ON THE AMENDMENT:

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

NAY:

**Student Representative Summers: YEA

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Molloy **MOVED** to amend by adding a fifth whereas clause to read, "whereas, to protect public health and safety, hours of operation of onsite consumption endorsements are limited to between 2:00 p.m. and 10:00 p.m.; and." Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

VOTE ON THE AMENDMENT: There being no objections, **SO ORDERED.**

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend by adding a sixth whereas to read, "whereas, to protect public health and safety as well as minimize conflicts between onsite consumption and adjacent businesses, residences and the public, outdoor onsite consumption is prohibited; and," and requested **UNANIMOUS CONSENT**. Council Member Molloy **SECONDED** the motion.

VOTE ON THE AMENDMENT: There being no objections, **SO ORDERED**.

There was no objection to opening for additional public comment.

Ryan Tunseth spoke in favor of the ordinance noting if the liberty of doing something was allowed under the law, it should be allowed. He added that the Marijuana Control Board made an effort to clarify the freestanding building clause in the law; also added that the recent movement of the enforcement division of the marijuana licensing division caused difficulty in understanding how enforcement worked and who reported to who. Ryan suggested there wasn't a huge need for onsite consumption but there was some need such as renters that couldn't consume where they rented.

There being no one else wishing to speak; public comment was closed.

Clarification was provided that the ordinance failing was not the same as prohibiting the endorsement and, if the desire was to prohibit the endorsement, an ordinance prohibiting would be needed to be brought forth.

VOTE ON THE MAIN MOTION AS AMENDED:

YEA: Molloy, Peterkin

NAY: Knackstedt, Glendening, Pettet, Navarre

**Student Representative Summers: NAY

MOTION FAILED.

2. **Ordinance No. 3062-2019** – Increasing FY2019 General Fund Estimated Revenues and Appropriations by \$20,859 And FY2020 General Fund Estimated Revenues And Appropriations by \$35,418 in the General Fund Parks, Recreation, and Beautification Department for the Receipt of a Grant from the United States Environmental Protection Agency Passed Through the State of Alaska Department of Environmental Conservation for Bacteria Level Monitoring on the City's Beaches during the 2019-2020 Personal Use Fishery. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3062-2019 and Council Member Molloy **SECONDED** the motion.

Vice Mayor Navarre opened the public hearing.

Maggie Harings thanked Council for support in the past and asked for continued support. She provided clarification on the Kenai Watershed Forum's testing process and their interactions with the State of Alaska Department of Environmental Conservation (DEC).

Branden Bornemann clarified what was said to the media in 2018 adding that if there was an exceedance, DEC was obligated to publicly notice within 24 hours. He explained that he negotiated in this year's contract, City of Kenai involvement in the public noticing prior to releasing. Finally, Branden clarified there was funding for one set of samples to have DNA testing.

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

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend the last line in the title to read, "bacteria level monitoring on the City's beaches from May to September during 2019 and 2020," amend the first whereas clause to read, "whereas, the State of Alaska Department of Environmental Conservation has issued a grant to the City for bacterial level monitoring from May to September during 2019 and 2020; and," amend the third whereas clause to read, "whereas, bacteria levels during the testing period in the past have exceeded water recreation standards established by the State of Alaska Department of Environmental Conservation in Register 226 that could pose a health risk to the fishery participants and City residents utilizing the beach; and," and amend the final whereas clause to read, "whereas, it is in the best interest of the City to monitor the bacterial level on its beaches." and Council Member Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE ON THE AMENDMENT: There being no objections, **SO ORDERED.**

VOTE ON THE MAIN MOTION:

YEA: Knackstedt, Glendening, Pettet, Molloy, Peterkin, Navarre

NAY:

**Student Representative Summers: YEA

MOTION PASSED UNANIMOUSLY.

3. **Resolution No. 2019-27** – Pertaining to the Authorized Investments of, the Investment Allocations of, and Establishing Appropriate Benchmarks to Measure Performance of the City's Permanent Funds for Calendar Year 2019. (Administration)

MOTION:

Council Member Molloy **MOVED** to adopt Resolution No. 2019-27 and Council Member Peterkin **SECONDED** the motion.

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

VOTE:

YEA: Knackstedt, Glendening, Pettet, Molloy, Peterkin, Navarre

NAY:

**Student Representative Summers: YEA

MOTION PASSED UNANIMOUSLY.

E. MINUTES

1.*Regular Meeting of April 17, 2019

Approved by the consent agenda.

2.*Work Session of April 18, 2019

Approved by the consent agenda.

3.*Special Meeting of April 23, 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. ***Action/Approval** – Purchase Orders Over \$15,000. (Administration)

Approved by the consent agenda.

3. ***Ordinance No. 3063-2019** – Adopting the Annual Budget for the Fiscal Year Commencing July 1, 2019 and Ending June 30, 2020 and Committing \$500,000 of General Fund, Fund Balance for Capital Improvements, Amending the Salary Schedule in Kenai Municipal Code Chapter 23.55- Pay Plan, Amending Employee Classifications in Kenai Municipal Code Chapter 23.50, and Amending Communication Department Uniform Allowance in Kenai Municipal Code Chapter 23.55. (Administration)

Introduced by the consent agenda and public hearing set for May 15.

4. ***Ordinance No. 3064-2019** – Increasing Estimated Revenues and Appropriations by \$339.90 in the General Fund – Police Department for State Traffic Grant Overtime Expenditures. (Administration)

Introduced by the consent agenda and public hearing set for May 15.

5. ***Ordinance No. 3065-2019** – Accepting and Appropriating a Volunteer Fire Assistance (VFA) Grant From the United States Department of Agriculture Forest Service Passed Through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)

Introduced by the consent agenda and public hearing set for May 15.

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging – restated his report from the April 17 meeting; next meeting May 9.
2. Airport Commission – No report; next meeting May 9.
3. Harbor Commission – No report; next meeting rescheduled to May 13.
4. Parks and Recreation Commission – No report; next meeting May 2.
5. Planning and Zoning Commission – It was reported that at their April 24 meeting the Commission approved a resolution supporting onsite marijuana consumption. Also noted the Commission discussed alcohol establishments not being included in the land use table and commissioners expressed gratitude for training for commissioners in the budget; next meeting May 8.
6. Beautification Committee – No report; next meeting May 14.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Vice Mayor Navarre reiterated that the Mayor had presented proclamations for National Youth Week and Sexual Assault Awareness Month on April 17.

J. ADMINISTRATION REPORTS

1. City Manager – P. Ostrander reported on the following:
 - Met with the State of Alaska Department of Environmental Conservation regarding the Kenai River;
 - The draft budget had been distributed;
 - Spoke about the City on a radio talk show;
 - Noted John Wichmann had retired from the fire department;
 - In discussions regarding consolidating Soldotna and Kenai animal shelters into Kenai's shelter;
 - Noted an upcoming Alaska Municipal League meeting regarding online sales tax collection, statewide;
 - Engaging the federal delegation regarding Wildwood Road ownership;
 - The next concession being impacted by the Terminal Rehabilitation Project, the advertising concession, would be coming forth for amendments;
 - Working with the Boys and Girls Club on management of the Recreation Center.
2. City Attorney – No Report.
3. City Clerk – J. Heinz reported the deadline for adopting ballot proposition language was August 7 and a bill to change state election procedures to by mail had been introduced in the legislature.

K. ADDITIONAL PUBLIC COMMENT

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

Sherry Innes noted she enjoyed watching the officials discuss the matters before them and appreciated the time taken on the matters adding that government doesn't have to say "yes" to every request. She also encouraged preservation of the outdoor lifestyle that is prevalent in Kenai and spoke in favor of the local schools.

2. Council Comments

Council Member Pettey thanked those that testified.

Council Member Glendening thanked Vice Mayor Navarre for running the meeting and thanked the City Manager for updates to the important issues. He also noted he would be absent from the next meeting.

Council Member Peterkin appreciated the discussion and thanked the City Manager for his work.

Student Representative Summers noted end-of-year testing was taking place and provided an update on upcoming musical competitions.

Council Member Molloy thanked the student representative for his report, John Williams for the Cook Inlet Regional Citizen's Advisory Council report, and Andeavor for the information regarding the project to convert the AK Liquid Natural Gas facility to a cool down facility; commended the Vice Mayor for running a smooth meeting.

Council Member Knackstedt expressed gratitude to the Finance Director and staff for the draft budget; attended the Kenaitze ground breaking ceremony for their education complex noting it was a large development that would employ several in the city; attended the banquet for the 2019 Caring for the Kenai project development grant; noted the water line upgrade project at the Kenai Spur Highway at Beaver Loop had not been awarded yet.

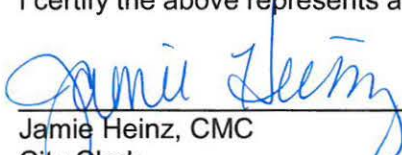
L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 8:30 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of May 1, 2019.



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.*