

**KENAI CITY COUNCIL – REGULAR MEETING
JULY 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 July 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
Henry Knackstedt
Jim Glendening
Glenese Pettey

Robert Molloy
Tim Navarre (telephonic)
Robert Peterkin

A quorum was present.

Also in attendance were:

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. | Resolution No. 2019-45 <ul style="list-style-type: none">• Amendment Memo• Amended Facility Agreement |
| Remove Item G.2. | Purchase Orders over \$15,000 |
| Add to item G.3. | Special Use Permit for Use of City Dock <ul style="list-style-type: none">• Amended Special Use Permit |

MOTION:

Council Member Molloy **MOVED** to approve the agenda with the requested revisions to the agenda and 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 requested **UNANIMOUS CONSENT**. Council Member Molloy **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: 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

Elizabeth Odom spoke in favor of allowing for residential water meters noting she, as a single person, did not use \$100 worth of water each month. She also noted green spaces around the City appeared to be dry and suggested more watering.

Sheryl Main expressed concern for crime in the City suggesting more needed to be done.

D. PUBLIC HEARINGS

1. **Resolution No. 2019-45** – Authorizing a Facility Management Agreement with the Kenai Chamber of Commerce and Visitor Center, Inc., for the Operation and Management of the Kenai Visitor and Cultural Center. (Administration) *[Clerk's Note: Council May Convene in Executive Session to Discuss this Agenda Item, a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City (AS44.62.310(c)(1))]*

MOTION:

Council Member Molloy **MOVED** to adopt Resolution No. 2019-45 and Council Member Knackstedt **SECONDED** the motion.

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

MOTION TO AMEND:

Council Member Molloy **MOVED** to amend Section 2 to read, "that the compensation for the Facility Management Services shall not exceed \$95,000," and amend the second whereas clause to read "whereas, the award of the agreement is in the amount of \$95,000 beginning July 4, 2019 or as soon as possible thereafter and ending June 30, 2020." Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

2. **Resolution No. 2019-46** – Selecting Divining Point, LLC, for City of Kenai Tourism and Marketing Services. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-46 and Council Member Glendening **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.

An description of the firm was provided.

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

3. **Resolution No. 2019-47** – Providing For The Submission To The Qualified Voters Of The City Of Kenai, At The Regular Election Of October 1, 2019, The Question Of Amending Article 10, Elections, Of The Charter Of The City Of Kenai To Provide Designated Seats For Each Council Position And Allow Qualified Voters To Vote In An Election For A Candidate For Each Seat. (Council Member Knackstedt and Vice Mayor Navarre)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-47 and Council Member Peterkin **SECONDED** the motion.

Mayor Gabriel opened for public hearing.

Linda Swarner spoke against the resolution suggesting that the Charter, as written, has worked well over the years. She suggested that with designated seats, there was potential that the best candidates were not elected; however, when the seats went to the top two vote getters the cream of the crop were elected.

Bob Peters spoke against the resolution noting citizens wanted the best people qualified and pointed out situations where someone receiving less votes could be elected when designated seats.

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

A person not running for a City Council seat to prevent unseating a preferred Council Member running for reelection, the City of Soldotna's use of identified seats, and people only voting for one candidate as a strategy or confusion were discussed.

Having designated seats making running for a City Council seat more issue related for the candidates, targeting, and discourse were also discussed

VOTE:

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

MOTION FAILED.

4. **Resolution No. 2019-48** – Providing For The Submission To The Qualified Voters Of The City Of Kenai, At The Regular Election Of October 1, 2019, The Question Of Amending Section 10-3 Filing, To Remove The Requirement That Candidates For Mayor And Council Provide A Petition Signed By Twenty Or More Registered Voters. (Council Member Knackstedt and Vice Mayor Navarre)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-48 and Council Member Glendening **SECONDED** the motion.

Mayor Gabriel opened for public hearing.

Linda Swarner spoke against the resolution noting it was not too much to ask a candidate to get twenty signatures as it showed the candidate was dedicated to running for the seat.

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

The ease of obtaining twenty signatures, the need for the requirement, the opportunity to obtain additional signatures if needed, timing, last minute filing, the signatures validating the commitment of the person running, the importance of getting out and communicating opinions, and the requirement for filing a financial disclosure statements preventing last minute decisions for running were topics discussed.

VOTE:

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

MOTION PASSED.

5. **Resolution No. 2019-49** – Providing For The Submission To The Qualified Voters Of The City Of Kenai, At The Regular Election Of October 1, 2019, The Question Of Amending Section 10-2 Three-Year Terms – Election At Large – Nonpartisan Elections, To Provide That The Terms Of Office Of The Mayor And Other Councilmembers Shall Begin The Monday Following Certification Of The Election. (Vice Mayor Navarre)

MOTION:

Vice Mayor Navarre **MOVED** to adopt Resolution No. 2019-49 and Council Member Knackstedt **SECONDED** the motion.

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

The sometimes awkward situations at the second meeting in October, those leaving office or not reelected not attending the second meeting in October, and the proposed alternative were topics discussed.

Clarification was provided that the City Council was required to certify the election.

The current method not being a big issue and providing a buffer for someone who was uncomfortable after losing an election were additional topics discussed.

Additional clarification was provided that the Charter didn't prescribe anything related to the Oath of Office, only that the Oath of Office be administered; a possible alternative process for administering oaths was also provided.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

6. **Resolution No. 2019-50** – Awarding an Agreement for the Purchase of Security Cameras and Software for the Public Safety Building Security Camera Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-50 and requested **UNANIMOUS CONSENT**. Council Member Molloy **SECONDED** the motion.

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

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

7. **Resolution No. 2019-51** – Awarding an Agreement to Furnish and Deliver Chemicals for the Wastewater Treatment Plant and Water Treatment Facility. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-51 and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

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

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

8. **Resolution No. 2019-52** – Amending its Comprehensive Schedule of Rates, Charges, and Fees, to Eliminate the Ambulance Fee for Patient Treatment without Transport. (Administration)

MOTION:

Council Member Molloy **MOVED** to adopt Resolution No. 2019-52 and Council Member Knackstedt **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.

Clarification was provided that if a patient was transported to the hospital and the hospital deemed the patient qualified for charity care, the ambulance would follow suit; however, given the amount of money received and the process involved to determine charity care qualification it was not warranted in the cases of patient treatment without transport.

Administration was thanked for bringing this forth.

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

9. **Resolution No. 2019-53** – Authorizing the City Manager to Enter into a One-Year Agreement with the City of Soldotna to Provide Animal Shelter Services for the City of Soldotna at the Kenai Animal Shelter. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-53 and Council Member Glendening **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.

Clarification was provided that Soldotna had experienced a significant decrease in the number of animals they housed and it was felt there could be a collaboration between the cities. The fee structure, based on the number of animals, was reviewed. It was noted this was a pilot project and, assuming it worked well, would continue. It was added that there was not an expectation that the agreement would require increasing staff.

Further clarification was provided that the Soldotna animals would be brought over by Soldotna Animal Control or the Soldotna Police Officers.

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

E. MINUTES

1. *Work Session of June 11, 2019, 2019

Approved by the consent agenda.

2. *Regular Meeting of June 19, 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)

[Clerk's Note: This item was removed from the agenda during approval of the agenda.]

3. **Action/Approval** – Approving a Special Use Permit of the Use of the City Dock Crane. (Administration)

MOTION:

Council Member Molloy **MOVED** to approve the Special Use Permit provided in the laydown for the Use of the City Dock Crane and Council Member Peterkin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

There was no objection to opening for public comment.

Mayor Gabriel opened for public comment.

David Chessick noted the City's dock was his connection to the world from Kalagin Island; pointed out an effort was made to contract for facility management but not successful. He noted the City Manager and City Attorney developed a process so the dock could be utilized by individuals; hopes to see fuel provided again soon as well as a fish market and water taxi in the future.

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

Clarification was provided that the City Manager was allowed to issue as many Special Use Permits as he wanted and the difference between the permit provided in the packet and the permit provided in the laydown related to the addition of a training.

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

4. **Action/Approval** – Delineate Management Authority for Two Properties in the Baron Park Subdivision. (Administration)

MOTION:

Council Member Molloy **MOVED** to approve delineation of management authority for two properties in the Baron Park Subdivision and Council Member Peterkin **SECONDED** the motion.

Clarification was provided that the issue had been long standing with a lot of complexity and a lot of confusion related to management authority; noted that from an administrative standpoint there was a need to establish management authority going forward. A brief history was provided and clarification on which funds benefited from certain transactions. It was pointed out the FAA deed restrictions had been satisfied and there was no requirement that the Red Cross be charged fair market value. It was also noted that General Fund management authority would be retained for the shop building so that the City didn't have to pay lease payments to the airport.

It was suggested a resolution be brought for adoption to provide a better paper trail.

Additional clarification was provided that fire training facility had never been profitable; however, renovations which were currently being designed could make it a revenue generator and revenue generated would be available for airport operations.

The motion was withdrawn.

MOTION:

Council Member Molloy **MOVED** to direct the City Manager to bring back a resolution or resolutions at the August 7 meeting and Council Member Glendening **SECONDED** the motion.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

5. **Action/Approval** – Confirmation of Mayoral Nomination to the Parks and Recreation Commission. (Mayor Gabriel)

MOTION:

Council Member Knackstedt **MOVED** to confirm the Mayor's nomination of Teea Winger to the Parks and Recreation Commission and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

6. **Discussion** – City Parks Hours of Operations for the Protection of City Property, City Resources, and Residential Neighborhoods. (Administration)

City Manager P. Ostrander noted staff was finding an increased amount of needles and drug paraphernalia in City parks, many other cities close parks to provide a tool for law enforcement, the matter was discussed in 2013, and Administration wanted to ensure Council was supportive of the move to close parks. He added the Parks & Recreation Commission held a work session to discuss the matter and was in full support. Timeframes and “non-park” parks were discussed.

A damage report, letting homeless families use parks and not pushing them into the business sector, unintended consequences, special provisions for certain parks for fishing, responsible management of parks, protecting the community and neighborhoods, the police department’s compassionate treatment of those experiencing homelessness, and giving the police department a tool for asking park users what was going on during certain times of the day were topics discussed.

Clarification was provided administration would still be able to permit the use of parks after hours and the Multi-Purpose Facility and golf course would not be affected.

MOTION:

Council Member Knackstedt **MOVED** to concur with the manager’s memo regarding closing parks with special provisions for Cunningham Park and Council Member Pettey **SECONDED** the motion.

MOTION TO AMEND:

Vice Mayor Navarre **MOVED** to amend to allow those experiencing homelessness to use the parks after hours.

The motion died for lack of a second.

VOTE ON THE MAIN MOTION:

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

MOTION PASSED.

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging – It was reported the July 11 meeting was cancelled.
2. Airport Commission – No report; next meeting July 11.
3. Harbor Commission – No report; next meeting August 12.
4. Parks and Recreation Commission – No report; next meeting August 1.
5. Planning and Zoning Commission – It was reported that at their June 26 meeting the Commission approved an amendment to a Conditional Use Permit related to hours of operation for a Marijuana Retail Store and some discussion of uniform hours of operation, also approved a Home Occupation Permit for a daycare which changed

location; provided an update on upcoming work sessions and meetings; next meeting July 24.

6. Beautification Committee – No report; next meeting September 10.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attended Bill Osborn’s memorial service;
- Provided a reminder of upcoming Fourth of July events.

J. ADMINISTRATION REPORTS

1. City Manager – P. Ostrander reported on the following:
 - Working with the marketing firm who had exciting ideas for the Silver Salmon Derby;
 - Met with State Parks regarding parking issues on Kenai Spur Highway near the Eagle Rock boat launch;
 - Dipnet operations were ramping up – hoping for a good year, fences had been repaired where destroyed by storms, and “minimize your wake” signs were in place;
 - Continuing to work with the Corps of Engineers - Alaska District to push the Bluff Erosion Project forward.
2. City Attorney – No Report.
3. City Clerk – No Report.

K. ADDITIONAL PUBLIC COMMENT

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

Bob Peters suggested additional public testimony be taken on matters after Council discussion, noted the City was looking good this summer, and added he was looking forward to entertaining dipnetters.

2. Council Comments

All wished the everyone a Happy Fourth of July.

Council Member Pettey also thanked the Parks and Recreation Department for the American flags on the Kenai Spur Highway.

Council Member Molloy also thanked those that came to testify and speak to the Council.

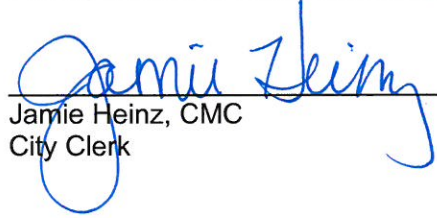
L. EXECUTIVE SESSION – None.

M. PENDING ITEMS – None.

N. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:12 p.m.

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



Jamie Heinz, CMC
City Clerk

