

**KENAI CITY COUNCIL – REGULAR MEETING  
NOVEMBER 6, 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 November 6, 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  
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.7.                      Resolution No. 2019-75

- Maps
- Description Memo

**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. Election of Vice Mayor**

Council Member Glendening nominated Bob Molloy as Vice Mayor.

There being no other nominations from the floor, Bob Molloy was elected as Vice Mayor.

## 5. Consent Agenda

### MOTION:

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

The items on the Consent Agenda were read into the record.

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 councilmember 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**

Clyde Crandall noted the Harbor Commission had discussed ideas to remedy the Dipnet fishery operating at a loss and asked Council to consider the ideas. He also suggested writing a letter to the Alaska Department of Fish and Game to encourage enforcement of fining.

Bob Peters spoke with concern about raising the costs of the Dipnet fishery noting the City would end up with paved parking lots and jobs for kids; also, noted residents of the City put up with the influx and suggested they be able to participate for free.

Marion Nelson, Vice President of the Board for the Fine Arts Guild, spoke about a mural created by a dozen artists painting in the gallery and noted the upcoming reception.

**D. PUBLIC HEARINGS**

1. **Ordinance No. 3092-2019** - Amending Kenai Municipal Code, Section 1.10.030 – Organization Meeting, to Provide that the Terms of Office of the Mayor and Other Councilmembers Shall Begin the Monday Following Certification of the Election. (City Clerk)

### MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3092-2019 and Council Member Navarre **SECONDED** the motion.

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

It was noted that the voters approved this amendment to the Charter and this was to amend code; the Clerk was thanked.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

2. **Ordinance No. 3093-2019** - Accepting and Appropriating a Grant From the U.S. Department of Homeland Security Passed through the State of Alaska Department of Military and Veterans' Affairs for the Purchase of a Fire Station Alerting System, an IT Security Audit, and Base Radio System Replacement for Dispatch. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3093-2019 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.

Clarification was provided that the alerting system was the second part of a project and was for Fire Station 2 on the Airport; the first phase was Fire Station 1. The Police Chief was thanked for his work on the grant.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

3. **Ordinance No. 3094-2019** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Kenai Senior Center Thanksgiving Dinner. (Administration)

**MOTION:**

Council Member Peterkin **MOVED** to enact Ordinance No. 3094-2019 and Vice Mayor Molloy **SECONDED** the motion.

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

Gratitude was expressed for the donation. The benefit to the community and the tradition being continued since 1976 were discussed.

**VOTE:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

4. **Resolution No. 2019-72** - Authorizing the City to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Remote Seller Sales Tax Code and Designating a Commission Representative. (Administration)

**MOTION:**

Council Member Navarre **MOVED** to adopt Resolution No. 2019-72 and 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.

Clarification was provided that joining the Commission allowed the City to appoint someone to represent the City on the Commission, the Commission would help form the path of developing and implementing Remote Seller Sales Tax Code going forward, and membership could be terminated if the City didn't like the direction the Commission was going.

Clarification was also provided the intent of the Commission was to create a legal entity, the Commission didn't have authority to tax, the municipalities retained the authority to tax, and the Commission would collect and remit taxes.

There was discussion regarding the City's tax code, the solution helping fill the void of mail order purchases, maintaining a unified voice with the Kenai Peninsula Borough, the by-laws being approved by the Board, the costs to the City for the Kenai Peninsula Borough to administer the sales tax code, sales tax being a revenue generator, and the popularity of online shopping.

It was noted this wasn't a new tax and if the state decided to implement a sales tax, they would want to join the Commission because the Commission because could administer collection and remitting more efficiently than the state can on its own.

**UNANIMOUS CONSENT** was requested.

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

5. **Resolution No. 2019-73** - Authorizing the City Manager to Recruit For and Hire an Additional Police Officer Position Based on Anticipated Attrition. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-73 and Council Member Pettey **SECONDED** the motion.

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

Clarification was provided regarding the difficulties keeping the Police Department fully staffed and fully trained adding they were in a situation where officers were forced to work overtime which caused stress on the entire department. Authorizing over-recruitment provided a tool that would not affect the budget while the department worked to become fully staffed and trained. It was added Administration was looking into other tools aimed at retention as well.

There was discussion whether the authorization needed to extend to FY2021 given FY2020 was nearly half over.

Clarification was provided that the authorization was restricted to FY2020 with the hope that additional changes being proposed in the future would address the current issue. Clarification was also provided that the budgets don't authorize positions, only appropriates funds for positions.

It was suggested administration might need the tool to stay the catch-up.

There was discussion on other options such as incentivized hiring bonuses and it was noted the over-recruitment could be addressed again if needed.

It was noted police departments all over the state and country were experiencing difficulties with recruitment and retention and it was suggested the over-recruitment be provided a tool in toolbox ongoing and not just a one-year fix.

**MOTION TO AMEND:**

Council Member Navarre **MOVED** to amend by removing FY2020 in Section 2 and Council Member Pettey **SECONDED** the motion.

There was discussion regarding the City Manager bringing ideas for incentives, budget amendments being a way for Council to stay aware, and Council's meeting schedule and the possibility to address again in the future if needed.

**VOTE ON THE AMENDMENT:**

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

**MOTION FAILED.**

**MOTION TO AMEND:**

Council Member Navarre **MOVED** to amend by adding, "and FY2021," after "FY2020," in Section 2 and Council Member Pettey **SECONDED** the motion.

It was pointed out there were only seven to eight months left in the year and another year should be given.

It was suggested the matter could be addressed again in the future if needed.

**VOTE ON THE AMENDMENT:**

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

**MOTION FAILED.**

**UNANIMOUS CONSENT** was requested.

**VOTE ON THE MAIN MOTION:** There being no objections; **SO ORDERED.**

- 6. **Resolution No. 2019-74** - Declaring a Utility Easement Twenty Foot (20') Wide Between the Shared Lot Lines of Tract A, and Lots 4, 5, 6, Block 1, Bridge Road Subdivision Number 2 and Lot 7A, Block 1, Bridge Road Subdivision Lockwood Addition as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2019-74 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.

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

- 6. **Resolution No. 2019-75** - Awarding a Contract for City-Owned Lands Appraisal Services. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-75 and 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.

Clarification was provided that the appraisal was required for certain leased lots and parcels could be added if the timing worked.

It was suggested that the lessees be notified that the appraisals were taking place to alleviate future expense.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

**E. MINUTES**

1. \*Regular Meeting of October 16, 2019 (City Clerk)

Approved by the consent agenda.

2. \*Work Session Summary of October 16, 2019 (City Clerk)

Approved by the consent agenda.

**F. UNFINISHED BUSINESS**

1. **Resolution No. 2019-71** - Repealing Policy No. 2017-02, Supervisory Sub-Committee. (Council Member Knackstedt) *[Clerk's Note: At its October 16 meeting Council postponed this item to the November 6 meeting; a motion to adopt is on the floor.]*

It was noted the resolution was brought forward because the committee hadn't been utilized and required a quarterly meeting.

**MOTION TO AMEND:**

Council Member Navarre **MOVED** to amend by replacing "at least once each quarter," in C. Procedures with "as needed," and deleting "recommendations and," in the second paragraph of D. Duties and Council Member Knackstedt **SECONDED** the motion.

It was noted the amendment required a title change and a substitute resolution be brought at the next meeting.

Appreciation for the dialogue and support for the amendments was expressed.

The motion to amend was withdrawn with concurrence of the second.

**MOTION TO POSTPONE:**

Council Member Navarre **MOVED** to postpone to the next meeting for a substitute resolution to be prepared, proper notice, and scheduled for another public hearing and Council Member Glendening **SECONDED** the motion.

**VOTE ON POSTPONEMENT:**

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

**MOTION PASSED UNANIMOUSLY.**

**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. 3095-2019** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Department of Justice for the Purchase of Ballistic Vests. (Administration)

Introduced by the consent agenda and public hearing set for December 4.

4. **\*Ordinance No. 3096-2019** - Determining that Real Property Described as Lot One (1), Aleyeska Subdivision Part 3, According to Plat No. 1531 and Lot One A (1-A), Aleyeska Subdivision Part 3, According to Plat K-1531, City-Owned Airport Land Located Outside the Airport Reserve, is not Needed for a Public Purpose and Authorizing the Sale of the Property to MITAK, LLC. (Administration)

Introduced by the consent agenda and public hearing set for December 4.

5. **\*Ordinance No. 3097-2019** - 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 December 4.

6. **Action/Approval** - Authorize the Issuance of a Request for Proposals for Naming Rights of the Multi-purpose Facility. (Administration)

#### **MOTION:**

Council Member Peterkin **MOVED** to authorize the issuance of a Request for Proposals for naming rights of the multi-purpose facility, and Council Member Navarre **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Staff was thanked for working on this project. The history was provided and it was noted that the previous contract had been expired for many years. It was also noted this was a way to help the facility bring in revenues beyond fees as the facility was a winter focal point of the community.

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

7. **Action/Approval** - Approving a Special Use Permit for Axtel Enterprises, LLC, to Conduct Fuel Reduction Activities on Tract A, Kenai Meadows, 2200 Redoubt Avenue, Parcel 03901065. (Administration)

#### **MOTION:**

Council Member Knackstedt **MOVED** to approve a Special Use Permit for Axtel Enterprises, LLC, to conduct fuel reduction activities on Tract A, Kenai Meadows, 2200 Redoubt Avenue, Parcel



03901065 and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Clarification was provided that the Kenai Peninsula Borough did the same thing on this lot several ago and there would be no cost to the City. Clarification was also provided that the City was not dictating what was done with the wood and hadn't looked to identify any additional parcels yet but would if this worked well.

It was suggested this was part of being fire-wise and responsible management of City property.

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

8. **Action/Approval** - Mayoral Nominations of Council Liaisons for Appointment to Committees and Commissions. (Mayor Gabriel)

**MOTION:**

Vice Mayor Molloy **MOVED** to confirm the appointments of Council Liaisons to Committees and Commissions, and Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

9. **Action/Approval** - Bridges Community Resource Network Mini-Grant Request for its Project Homeless Connect Event. (Mayor Gabriel)

Mayor Gabriel noted this began as a mini-grant application for \$500 for supplies for the Project Homeless Connect event in January. He added that the agency had applied for and received funding in 2017 but because they had received funding in the past they no longer qualified for a mini-grant; suggested putting into the budget. Mayor Gabriel added that the agency collects data on an annual basis on the homeless population and, when they received the grant in the past, they provided a report afterwards as requested.

**MOTION:**

Council Member Navarre **MOVED** to grant Bridges Community Resource Network \$500 from the mini-grant budget and Council Member Peterkin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

It was noted it was healthy for the community to help provide and be a part of this service that affects the community and to have the baseline information. It was also noted the event gives tools to those experiencing homelessness to move forward.

It was suggested the donation be included in the budget each year.

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

10. **Discussion** - Personal Use Fishery Capital Improvement Projects. (Administration)

It was noted Administration would take the projects to the Harbor and Parks and Recreation Commissions for recommendations. An overview of the method for generating the list and the 2013 grant was provided.

The projects were discussed and a total estimated cost was provided. It was noted the grant expired June 30, 2020. Estimated savings were also discussed.

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

1. Council on Aging – It was reported the Council continued discussion of elements of a Code of Conduct for the Senior Center at a work session on October 29; next meeting November 14.
2. Airport Commission – No report; next meeting November 14.
3. Harbor Commission – It was reported the Commission discussed Title 11 amendments and monitoring and counting fish from city beaches. Also heard updates on the dock; next meeting February 10.
4. Parks and Recreation Commission – No report; next meeting November 7.
5. Planning and Zoning Commission – It was reported that at their October 30 meeting the Commission heard from LeMay Engineering regarding a draft hazard mitigation plan and approved three plat amendments; next meeting November 13.
6. Beautification Committee – No report; next meeting January 14.
7. Mini-Grant Steering Committee – No report.

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

Mayor Gabriel reported on the following:

- Thanked Council Member Molloy for chairing the October 16 meeting when he and Vice Mayor Navarre were out of town;
- Noted the Pumpkin Festival went well this year;
- Delivered a joint proclamation with the Vice Mayor of Soldotna for Domestic Violence Awareness Month;
- Expressed regrets for missing recent employee retirements; thanked Vice Mayor Navarre for saying a few words on Council's behalf; wished the retirees luck and thanked them for their service;
- Attended a recent Kenai Peninsula Relay for Life fundraiser;
- Reported on the October 24 Alaska Board of Fisheries meeting where the rotating meeting policy was rescinded; and
- Thanked Vice Mayor Navarre for three years of help as Vice Mayor.

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

1. City Manager –City Manager P. Ostrander reported on the following:
  - An internal team met with the marketing firm and expected a presentation at the January 15 meeting;
  - Attended International City-County Managers Association Conference;

- Attended the recent Alaska Board of Fish meeting and noted, though the motion failed, two recent appointees voted in favor of holding a meeting on the peninsula;
  - Two retirements last week;
  - Would be issuing an RFP for waste as there were now two businesses in town;
  - Met with Kenai Police Department officers regarding changes coming to Council in December; received good feedback on what is beneficial to officers;
  - The 2019 Dipnet Report was in the packet;
  - Spoke with Fish and Game Commissioner regarding fees on dipnet permits noting the Governor wasn't supportive; suggested contacting the legislative delegation;
  - The City's request to start the design process on the Bluff Erosion Project was on the desk of the Assistant Secretary of Army – Civil Works.
2. City Attorney – No Report.
  3. City Clerk – City Clerk J. Heinz reported the Clerk's Office was recruiting for annual Committee and Commission term expirations and vacancies; noted she was attending an upcoming conference of the Alaska Association of Municipal Clerks.

**K. ADDITIONAL PUBLIC COMMENT**

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

Marion Nelson noted the Arts Council would be interested in the upcoming marketing efforts; also reported on recent inspections and the hope that they would have a cost for construction of their renovations soon.

2. Council Comments

Council Member Knackstedt noted he attended Mary Jo Joiner's retirement party, expressed appreciation for the Parks and Recreation crew; expressed appreciation for getting to see all the commissions working; and, attended a recent Relay for Life Fundraiser. He also pointed out that there was no signage directing people to Old Town Kenai nor any wayfinding in the area.

Council Member Pettey thanked Council Member Navarre for serving as Vice Mayor; noted she looked forward to working with Vice Mayor Molloy; attended the Relay for Life Fundraiser; and, thanked the City Manager for being proactive for the Police Department and recognizing the importance of safety in the community.

Council Member Peterkin noted a new business family was coming to Old Town Kenai with many plans. Also noted he would be out of town but would try to call in for the December 4 meeting.

Council Member Glendening congratulated Vice Mayor Molloy; attended Relay for Life Fundraiser; expressed interest in rejuvenating Old Town Kenai; and, noted he was looking forward to a good year.

Vice Mayor Molloy thanked the Council for electing him Vice Mayor noting he looked forward to supporting Mayor Gabriel; commended the City Clerk on reading the consent agenda items; noted the Planning and Zoning Commission was a thoughtful, deliberative body that served the City and had excellent meetings; noted he was looking forward to working with the Parks and Recreation Commission for the upcoming year; and, noted an informational session on Friday, November 22

held by University of Alaska Anchorage and the Municipality of Anchorage on climate action planning.

Council Member Navarre noted he attended Mary Jo Joiner's retirement party and noted the community was lucky to have her and the service that she provided; attended the Relay for Life fundraiser noting he hoped we don't have to raise money for cancer again; noted he had a busy year with Alaska Municipal League as president and provided a reminder of the upcoming conference coming up in November; also thanked the City for supporting him in his presidency; and, suggested everyone should have an opportunity to serve as Vice Mayor.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:43 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of November 6, 2019.

  
Jamie Heinz, CMC  
City Clerk

