

**KENAI CITY COUNCIL – REGULAR MEETING
OCTOBER 16, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
PRESIDENT PRO TEM MOLLOY, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on October 16, 2019, in City Hall Council Chambers, Kenai, AK. Councilmember Molloy called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Council Member Molloy led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Robert Molloy	Glenese Pettey
Henry Knackstedt	Tim Navarre (telephonic)
Jim Glendening	Robert Peterkin

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager
Scott Bloom, City Attorney
Jamie Heinz, City Clerk

MOTION:

Council Member Knackstedt **MOVED** to elect Bob Molloy as President Pro Tem for the meeting. Council Member Glendening **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

3. Certification of Election

MOTION:

Council Member Peterkin **MOVED** to certify the election results of October 1, 2019, as presented and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

1. **Ordinance No. 3089-2019** - Amending Kenai Municipal Code Section 1.15.040, Agenda, to Revise Public Notice Requirements and Amend the Agenda/Package Preparation, Distribution, and Publication Administrative Policies and Procedures to make Standard Revisions and Housekeeping Changes. (Council Members Molloy and Knackstedt)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3089-2019 and Council Member Peterkin **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

It was noted the motivation for the ordinance was for cost efficiencies by eliminating the requirement for publishing the entire agenda in the paper. It was further noted the change to the code indicated the requirements would be included in policies and the associated policy provided that "non-routine" items would be published and "non-routine" was defined. It was suggested members of the public look to agendas to see what was coming up in the future to develop their comments and should still be published.

The point was made that the savings could be taken a bit farther by requiring publication of only public hearing items which was consistent with the Kenai Peninsula Borough and City of Homer. It was noted that full agendas were available on the website and posted in City Hall and other places.

It was noted that there was a need to serve the public to get them the information. Clarification was provided that the full agenda and packets were also available at the library. It was suggested that ordinances for introduction be read by the City Clerk during approval of the Consent Agenda to provide those listening to the meeting information on upcoming items.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend item C.1. of the policy to replace the words "non-routine" with "public hearing," and removing item C.6. in its entirety and Council Member Peterkin **SECONDED** the motion.

It was noted the practice was consistent with other municipalities and provided significant cost savings.

VOTE ON THE AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED.

2. **Ordinance No. 3090-2019** - Increasing Estimated Revenues and Appropriations in the General and Public Safety Capital Project Funds and Accepting an Assistance to Firefighter Grant from the Federal Emergency Management Agency for the Cooperative Purchase of Self-Contained Breathing Apparatus for the City of Kenai Fire Department, Nikiski Fire Department and Central Emergency Services. (Administration)

MOTION:

Council Member Peterkin **MOVED** to enact Ordinance No. 3090-2019 and Council Member Glendening **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Appreciation was expressed for the collaboration and the Fire Department commended for their leadership.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3091-2019** - Amending Kenai Municipal Code Section 17.10.010 – Mandatory Connection and Abandonment of Old Well, and Section 17.20.010 - Mandatory Connections and Abandonment of Old On-Site Sewer Systems, to Clarify the Intent of Ordinance 3003-2018 and Make Housekeeping Changes. (Council Member Knackstedt)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3091-2019 and Council Member Glendening **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Clarification was provided that the ordinance was a housekeeping ordinance to clarify intent that a water or sewer line wasn't run down a right-of-way in order to hook up to a main, only if the main was immediately adjacent. Clarification was further provided that the change didn't affect anyone utilizing an existing well.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution No. 2019-67** - Establishing Dates for Regular Meetings of the City Council for 2020. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-67 and requested **UNANIMOUS CONSENT**. Council Member Peterkin **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

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

5. **Resolution No. 2019-68** - Approving a Memorandum of Agreement between the U.S. Fish and Wildlife Service, Alaska Region, Alaska State Parks, and the City of Kenai for a Gateway to Public Lands Display in the Kenai Municipal Airport. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-68 and requested **UNANIMOUS CONSENT**. Council Member Peterkin **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Clarification was provided that the Airport Commission approved the agreement and liked the interactive display.

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

6. **Resolution No. 2019-69** - Awarding Non-Exclusive On-Airport Car Rental Concession to EAN Holdings, LLC, for the Period of December 1, 2019 through June 30, 2021. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-69 and requested **UNANIMOUS CONSENT**. Council Member Peterkin **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Clarification was provided that the concession was approved by the Airport Commission and that there was enough parking available.

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

7. **Resolution No. 2019-70** - Approving a Standard Lease Form for City Lands Outside the Airport Reserve. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-70 and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Clarification was provided that code required the form to be approved by Council and that it was designed to be filled in for different scenarios dependent on applicable clauses. Clarification was also provided that lands the City was leasing, which was restricted by the FAA and outside of the Airport Reserve, were being addressed and there were options available to the lessee regarding improvements made to the property. Clarification was further provided that valuation processes and options to purchase were specified in code and an option to purchase document would be individualized.

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

An error in Resolution No. 2019-69 was noted and it was asked that section one of the Resolution be amended to reflect what was indicated in the title.

MOTION TO RECONSIDER:

Council Member Knackstedt **MOVED** to reconsider the adoption of Resolution No. 2019-69 and Council Member Peterkin **SECONDED** the motion.

VOTE ON RECONSIDERATION:

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

NAY:

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend section one of Resolution No. 2019-69 to read, "That the City Manager is authorized to sign a non-exclusive on-airport car rental concession to EAN Holdings, LLC with a commencement date of December 1, 2019, through June 30, 2021" and requested **UNANIMOUS CONSENT**. Council Member Peterkin **SECONDED** the motion.

VOTE ON THE AMENDMENT: There being no objection; **SO ORDERED**.

UNANIMOUS CONSENT was requested on the motion to adopt Resolution No. 2019-69 as amended.

VOTE ON THE MAIN MOTION AS AMENDED: There being no objection; **SO ORDERED**.

8. **Resolution No. 2019-71** - Repealing Policy No. 2017-02, Supervisory Sub-Committee. (Council Member Knackstedt)

MOTION:

Council Member Knackstedt **MOVED** to enact Resolution No. 2019-71 and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

President Pro Tem Molloy opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

It was noted that Council's three employees were annually reviewed and the resolution repealed the supervisory sub-committee as it wasn't necessary and, if additional reviews were needed or if an employee wanted a review, those could be accomplished as a group. It was further noted that the three employees and the HR Director had no objection to the repeal of the sub-committee.

It was suggested that if the policy needed to be amended that could be done; it had been good to hear from the employees on a regular basis. It was noted that normally employees have one boss to go to and it was recognized that having seven bosses could be difficult. It was suggested the sub-committee provided a proactive valuable tool as opposed to being reactive when things weren't going well.

It was also suggested that for consistency Council should have annual employee reviews and have the opportunity to meet with their employees along the way and it should be done together, not as a sub-committee.

MOTION TO POSTPONE:

Council Member Pettey **MOVED** to postpone Resolution No. 2019-71 and have an executive session. Council Member Peterkin **SECONDED** the motion.

It was clarified that the subject matter may not qualify for executive session.

MOTION TO AMEND POSTPONEMENT:

Vice Mayor Navarre **MOVED** to remove the executive session requirement and add that it be postponed to the next meeting of the Council and Council Member Peterkin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

VOTE ON THE AMENDED POSTPONEMENT: There being no objection; **SO ORDERED**.

E. MINUTES

1. *Regular Meeting of October 2, 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. 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)

Introduced by the consent agenda and public hearing set for November 6.

3. ***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)

Introduced by the consent agenda and public hearing set for November 6.

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

Introduced by the consent agenda and public hearing set for November 6.

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging – It was reported that at their October 10 meeting the Council continued discussions regarding a Code of Conduct for the Senior Center; next meeting November 14.
2. Airport Commission – It was reported that at their October 10 meeting the Commission recommended approval of a Memorandum of Agreement for an interpretive display regarding public lands and a rental car concession; next meeting November 14.
3. Harbor Commission – No report; next meeting November 4.
4. Parks and Recreation Commission – It was reported that at their October 3 meeting the Commission discussed multi-purpose facility banners; next meeting November 7.
5. Planning and Zoning Commission – No report; next meeting October 30.
6. Beautification Committee – It was reported the Committee did not have a quorum for their October 8 meeting; next meeting January 14.
7. Mini-Grant Steering Committee – It was reported the Committee approved a \$200 grant to Mountain View Elementary School to paint pumpkins during the Pumpkin Festival.

I. REPORT OF THE MAYOR – None.

J. ADMINISTRATION REPORTS

1. City Manager –City Manager P. Ostrander reported on the following:
 - Discussions ongoing with Mayor Pierce regarding increased costs to commercial businesses for refuse and increased costs for sludge refuse;
 - Toured the Golf Course and discussed capital projects with them; noted the spruce bark beetle-killed trees would be a significant issue for them to deal with;
 - Recruitment opened for the third time for a Library Director noting recruitment for smaller libraries was often difficult;
 - The draft Land Management Plan was finished and the next step was taking the draft and working on it administratively;
 - Provided an update on the number of restrooms and toilet paper dispensers at the airport;
 - The City’s request to fund the Design Phase of the Bluff Erosion Project was with the Secretary of the Army, Civil Works to be signed; and
 - Upcoming travel to an International City Managers Association Conference and then a Board of Fisheries Meeting.

2. City Attorney – City Attorney S. Bloom provided an update on meetings with the Kenai Peninsula Borough regarding online sales tax collection through Alaska Municipal League and the need for an Intergovernmental Remote Seller Sales Tax Agreement. He explained that municipalities that sign on will form a Commission and by-laws and the Commission will buy software to enable collection of online sales tax. He added that case law indicated a requirement for a centralized collection point with one sales tax code to decipher. He also added that staff still had some concerns but they were hopeful that by signing on and being members of the Commission the City can help shape the project going forward and, if needed, the City could get out of the agreement with a 30-day notice.

Mr. Bloom also noted he attended an Airport Executive Law Workshop recently and topics such as grant assurances, finance, concessions, per and polyfluoroalkyl substances pollution, contracting, and leases were presented. He thanked Council for the opportunity to attend.

3. City Clerk – City Clerk J. Heinz noted recruitment was ongoing for the recruitment of Committee and Commission members.

K. ADDITIONAL PUBLIC COMMENT

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

None.

2. Council Comments

Council Member Pettey noted the good work accomplished by the Council during the meeting.

Council Member Peterkin noted the Pumpkin Festival looked successful and that he attended Kenai Brown Bear hockey games; the team did well and there was a good attendance.

Council Member Knackstedt noted he regretted he was unable to make it to the Pumpkin Festival.

Council Member Glendening noted he attended the Pumpkin Festival noting it was well attended. He also noted the census coming up in 2020 with a goal to count everyone, adding that federal funding was affected by the counts.

Council Member Molloy noted the hay maze at the Pumpkin Festival; he appreciated working with Council Member Knackstedt on the ordinance regarding agenda publication and that it worked to collaborate on something where you don't necessarily agree. He thanked Council Member Knackstedt for the collaboration and the assistance of the City Clerk and the City Attorney. Finally, he thanked the marketing firm for their work with the City.

Vice Mayor Navarre noted he looked forward to Council Members Glendening and Pettey serving for another three years.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:42 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of October 16, 2019.


Jamie Heinz, CMC
City Clerk

