

**KENAI CITY COUNCIL – REGULAR MEETING  
FEBRUARY 5, 2020 – 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 February 5, 2020, 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 Glendenning  
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.5.                    Resolution No. 2020-05  
   • Public Comments

Add item D.7.                    Resolution No. 2020-07  
   • Resolution  
   • Memo

Move item G.6.  
To the Consent Agenda          Ordinance No. 3105-2020

**MOTION:**

Vice Mayor 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 as amended and requested **UNANIMOUS CONSENT**. Council Member Navarre **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**

1. **Bill Lierman and Brandi Niclai, Alaska Permanent Capital Management - City of Kenai Permanent Funds 2019 Performance Review and Establishment of 2020 Asset Allocation and Benchmarks.**

Brandi Niclai presented a review of the status of the Permanent Fund Investments reporting overall growth. She provided a market review, a portfolio review, and a strategic review; also suggested changes in the average calculations made available for appropriations.

#### **C. UNSCHEDULED PUBLIC COMMENTS**

None.

#### **D. PUBLIC HEARINGS**

1. **Ordinance No. 3101-2020 - Accepting and Appropriating a Grant from the Rasmuson Foundation for the Purchase and Installation of Security Cameras at the City's Historical Cabins in Old Town Kenai. (Administration)**

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3101-2020 and Council Member Peterkin **SECONDED** the motion.

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

The City Planner and the Rasmuson Foundation were thanked.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

2. **Ordinance No. 3102-2020** - Amending Kenai Municipal Code 14.20.280 Public Hearings and Notifications, to Reduce the Newspaper Posting Requirement. (Council Member Knackstedt)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3102-2020 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.

It was noted the amendment brought the advertising down to match what was done for the Council which would save on costs.

**MOTION TO AMEND:**

Council Member Glendening **MOVED** to amend by filling in the blank in the last whereas clause with the word, "enactment," and Council Member Peterkin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

It was noted that the Planning & Zoning Commission was a quasi-judicial body, which sought testimony from property owners in the neighborhoods where decisions were being made and suggested that the extra day of notice may make a difference to someone gathering information for the hearing.

**MOTION TO AMEND:**

Vice Mayor Molloy **MOVED** to leave as "not less than seven (7) in KMC Section 14.20.280(b) and Council Member Glendening **SECONDED** the motion.

It was suggested the Planner recommended the shorter timeframe to allow more items to be added to the agenda.

Clarification was provided the notice would still be published on the same day; the amendment would change to align with City Council practice.

It was suggested allowing flexibility was desirable for some situations.

**VOTE ON THE AMENDMENT:**

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

**MOTION PASSED.**

It was noted the seventh whereas clause needed to be addressed due to the previous amendment.

**MOTION TO AMEND:**

Vice Mayor Molloy **MOVED** to delete the seventh whereas clause in its entirety. 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, Molloy, Gabriel, Peterkin, Pettey, Navarre  
NAY:

**MOTION PASSED UNANIMOUSLY.**

3. **Resolution No. 2020-03** - Authorizing the Purchase of Real Property Described as Lots 6B and 10B2, Block 19, and Lots 7D and 7C, Kenai Townsite 2018 Addition for the Public Purpose of Including the Property in the Bluff Erosion Restoration Project and Determining that Public Interest Will Not Be Served by an Appraisal. (Administration)

**MOTION:**

Council Member Glendening **MOVED** to adopt Resolution No. 2020-03 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.

Clarification was provided this was a part of an ongoing effort to acquire all of the property necessary to complete the Bluff Erosion Project.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

4. **Resolution No. 2020-04** – Adopting the City of Kenai Hazard Mitigation Plan. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-04 and Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Mayor Gabriel opened for public hearing.

Bill Dunn encouraged adoption noting it was important that the entire bluff was identified as an erosion issue.

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

Clarification was provided the Hazard Mitigation Plan was updated every five years and the benefit was that it made the City eligible for certain grant funds before the hazards happened, instead of after.

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

5. **Resolution No. 2020-05** - Supporting Alaska House Bill 198, an Act Relating to Aggravating Factors Considered at Sentencing. (Vice Mayor Molloy and Council Member Navarre)

**MOTION:**

Council Member Navarre **MOVED** to adopt Resolution No. 2020-05 and requested **UNANIMOUS CONSENT**. Vice Mayor Molloy **SECONDED** the motion.

Mayor Gabriel opened for public hearing.

Tammy Willis spoke in favor of the resolution noting incidents that had happened to her. She also noted that, in her case, the FBI had become involved and were investigating the incidents as hate crimes after the news picked up her story but that local police and Troopers were not able to investigate as a hate crimes because sexual identity and sexual orientation were not listed as aggravators in state law. She added the resolution told the LGBTQ community the City wouldn't tolerate hate crimes and were showing leadership for treating others with dignity and respect.

Audrey Gifford thanked Vice Mayor Molloy and Council Member Navarre for attending the town hall meeting. She noted approximately 3.7% of Americans identified as LGBTQ and based on the population of the City of Kenai that equaled about 288. She also pointed out that orientation ranked as third highest in hate crimes with the first two being considered aggravators for hate crimes.

Leslie Byrd suggested the population of LGBTQ in the community was likely higher than previously suggested. Suggested there was nothing for anyone to lose except time to argue it. She also noted people act in reflection of their shared values and asked that the Council lead in a positive and inclusive manner. Leslie also noted that in some laws, premeditation was more egregious, even if it ended in the same result due to the state of mind of the offender. Leslie

added that some believed it wasn't necessary to add sexual orientation and sexual identity to the laws but noted the United States weren't there yet and so protected classes were needed.

April testified in favor of the resolution noting she moved from the East Coast to Kenai to be safe; adding that she would be fired as a pastor where she came from, that her child would be bullied, and that she still does not feel safe holding her wife's hand in public. She added that being called derogatory names was hard as was moving 7,000 miles from home to be a pastor because that was what she was called to do. She added that the gas line to her vehicle had been cut since she has been in this community.

Susan Smalley spoke in favor of the Resolution noting that she was mad that this action was needed speaking to message crimes and explaining that was sending a message to the recipient that they were not safe in the community and was done by cowards. She noted people in the community had their heads in the sand and noted she was an ally; a heterosexual living in a climate which came from folks sitting back and allowing the message crimes to happen. Ms. Smalley noted that House Bill 198 was a way to get to a place where the LGBTQ community would be treated with dignity adding that hearts couldn't be changed but behavior could.

Rebecca Heinsberger empathized with what Ms. Willis endured but spoke against passage suggesting all people should be receiving the same protection. She suggested that there being special classes didn't seem fair and noting her situation as an abused wife didn't qualify for any of the aggravation categories.

Barbara Jedlicki noted she was grieved and saddened by how people were being treated in the community and adding that she, too, was a victim of an ex-husband, noting the piece of paper protection order sometimes didn't stop them. She spoke in favor of everyone being protected but spoke against dedicating classes suggesting it was a "Pandora's Box" and getting out of hand.

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

The City Attorney provided clarification that the resolution supported House Bill 198 which proposed the addition of two aggravating factors to statute. He added that criminal charges have presumptive sentencing guidelines, which were not to be deviated from too much. He noted there were thirty-six aggravating factors altogether, which included domestic violence, and those listed in the statute this House Bill was amending. He also noted this statute amendment would bring the state statute in line with federal laws making them federal hate crimes because of the victim's gender identity or sexual orientation, race, creed, religion, etc.

The recent town hall meeting, not seeing the harm or hurt in the community, the hurt, the town meeting being an opportunity for those that were hurt to speak, the fear of speaking, being targeted, the aggravator addition being a first step providing tolerance and equity until another bill brought forth were topics discussed.

New information, the issue of public safety, testimony from the LGBTQ community and allies, wanting people to feel safe in places in Kenai, Kenai's cooperative relationship with other law enforcement agencies were additional topics discussed.

Clarification was provided that crimes against the LGBTQ community were not considered hate crimes in Alaska statute and many aggravators were in statutes based on the crime committed. Clarification was provided that if KPD were to be a part in a hate crime, they would pass on to the

state prosecutor if it was felt a class or aggravator was involved and it was up to the prosecutor to pass the aggravator information on to the FBI.

It was suggested the House Bill fell short in what the LGBTQ community needed but was a step in the right direction.

Given all the other considerations or aggravators elsewhere sexual identity or sexual orientation not being seen as adding special treatment, freedom from fear, the matter being a question of how to do it, speaking as community leaders, crimes often not being premeditated, crimes being generational, everyone's right to be treated equally, and prosecution to the fullest extent of the law were additional topics discussed.

**VOTE:**

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

**MOTION PASSED.**

6. **Resolution No. 2020-06** - Designating the Investment and Allocation Plan for the City's Permanent Funds and Establishing Appropriate Benchmarks to Measure Performance for Calendar Year 2020. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-06 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.

The Finance Director was thanked.

Clarification was provided that legislation would be coming back on how to distribute earnings and when.

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

7. **Resolution No. 2020-07** – Supporting Sound Fisheries Management Practices and Diversified Harvest Opportunities in the Cook Inlet. (Mayor Gabriel)

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-07 and Council Member Pettey **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 noted the resolution was consistent with resolutions adopted in the past with expanded improvements and was time sensitive; it was consistent with ongoing dialogue with the Board of Fisheries each year.

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

**E. MINUTES**

1. \*Regular Meeting of January 15, 2020. (City Clerk)

Approved by the consent agenda.

2. \*Work Session of January 15, 2020. (City Clerk)

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** - Non-Objection to the Issuance of a New Standard Marijuana Cultivation Facility License for Majestic Gardens. (City Clerk)

Approved by the consent agenda.

3. \***Action/Approval** - Non-Objection to New Liquor License Renewals for the Main Street Tap & Grill. (City Clerk)

Approved by the consent agenda.

4. \***Ordinance No. 3103-2020** - Accepting and Appropriating a Grant from the Alaska State Library for Employee Travel and Training. (Administration)

Introduced by the consent agenda and public hearing set for February 19, 2020.

5. \***Ordinance No. 3104-2020** - Accepting and Appropriating a Federal Grant from the Institute of Museum and Library Services Passed Through the Alaska State Library for Employee Travel and Training. (Administration)

Introduced by the consent agenda and public hearing set for February 19, 2020.

6. **Ordinance No. 3105-2020** - Accepting and Appropriating Two Donations From the Totem Tracers and the Friends of the Kenai Community Library for the Upgrade of Library Equipment. (Administration)



*[Clerk's Note: This item was moved to the Consent Agenda during approval of the agenda.]*

Introduced by the consent agenda and public hearing set for February 19, 2020.

7. **Action/Approval** - Mayoral Nomination for Appointment to the Airport Commission. (Mayor Gabriel)

**MOTION:**

Council Member Knackstedt **MOVED** to confirm the appointment of Derek Leichliter to the Airport Commission. Vice Mayor Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

**H. COMMISSION/COMMITTEE REPORTS**

1. Council on Aging – A reminder for March for Meals was provided and it was noted the February meeting cancelled; Next meeting March 12.
2. Airport Commission – It was noted the commission was excited for the roof to be on the terminal after the Terminal Rehabilitation Project; next meeting February 13.
3. Harbor Commission – It was noted the US Coast Guard coming to the next meeting on February 10.
4. Parks and Recreation Commission – No report; next meeting February 6.
5. Planning and Zoning Commission – It was reported the Commission made recommendations on the publication ordinance and discussed the upcoming planning conference; next meeting February 12.
6. Beautification Committee – No report; next meeting April 14.
7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Attended Joanna Hollier's memorial service;
- Attended the recent KPBSD School Board informal dinner meeting;
- Planned to attend the upcoming Board of Fisheries meetings;
- Expressed appreciation for the debate at this meeting; noted he hoped the criminal was apprehended.

**J. ADMINISTRATION REPORTS**

1. City Manager – City Manager P. Ostrander reported on the following:
  - Attending the upcoming Board of Fisheries meeting noting two proposals, based on past direction, that he planned to speak to;

## **MOTION:**

Council Member Navarre **MOVED** to direct the City Manager and Mayor, if possible, to testify on Proposals 85 and 145, as well as others that might impact the City of Kenai and requested **UNANIMOUS CONSENT**. Council Member Peterkin **SECONDED** the motion.

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

Additionally, the manager reported on the following:

- Met with two residents regarding a Return of the Reds Festival on June 6<sup>th</sup>;
  - Noted continued work on a fleet replacement plan;
  - Noted continued work on negotiating airline operating agreements;
  - Noted the operation agreement for the Fire Training Center would need to be renegotiated after renovations;
  - Noted work on the Capital Improvement Project list and an upcoming work session for introduction of the list;
  - Noted more clarity expected on February 19 regarding the Bluff Erosion Project after decisions from the Office of Management and Budget and meetings with the Alaska District and federal delegation.
2. City Attorney – No report.
  3. City Clerk – City Clerk J. Heinz noted an upcoming conference. Also noted ongoing meetings with the Kenai Peninsula Borough Clerk and City Clerks around the Peninsula regarding elections; a consultant was performing a feasibility study for the borough.

## **K. ADDITIONAL PUBLIC COMMENT**

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

Duane Bannock led the room in singing Happy Birthday to Council Member Knackstedt.

Leslie Byrd thanked the Council for their vote and invited them to ally trainings.

Carol Freas noted the upcoming pie auction for Kenai Senior Connection.

2. Council Comments

Council Member Pettey – noted she was thankful to have raised her family in the community and noted two memorial services attended.

Council Member Knackstedt expressed appreciation for Joanna Hollier's Celebration of Life service.

Council Member Navarre noted he attended Joanna Hollier's Celebration of Life service and expressed gratitude for the first generation of Kenai.

Council Member Glendening noted he also attended Joanna Hollier's Celebration of Life service.

Council Member Peterkin expressed it was an honor to live in this community.

Vice Mayor Molloy agreed with being grateful to live in the community.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:48 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of February 5, 2020.

  
\_\_\_\_\_  
Jamie Heinz, CMC  
City Clerk

