

**KENAI CITY COUNCIL – REGULAR MEETING
MARCH 4, 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 March 4, 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 | Robert Molloy |
| Henry Knackstedt | Tim Navarre |
| Jim Glendenning | Robert Peterkin |
| Glenese Pettey | |

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. 2020-12 <ul style="list-style-type: none">• Substitute Resolution• Substitute Memo |
| Add to item J.1. | City Manager's Report <ul style="list-style-type: none">• Kenai Visitor And Cultural Center Report |

MOTION:

Vice Mayor Molloy **MOVED** to approve the agenda with the requested additions to the packet. Council Member Peterkin **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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 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 – None.

C. UNSCHEDULED PUBLIC COMMENTS – None.

D. PUBLIC HEARINGS

1. **Ordinance No. 3107-2020** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Funds for Costs in Excess of Budgeted Amounts. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3107-2020 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.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3108-2020** - Increasing Estimated Revenues and Appropriations in the General Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's General Fund. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3108-2020 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.

Clarification was provided the amount of the allowable transfer was dictated by code and FY20 revenue exceeded budgeted projections which required the additional appropriation.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3109-2020** - Authorizing the City Manager to Reimburse Annual Leave Used by Firefighter Scott Summers for Attending a Paramedic Internship Program. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3109-2020 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.

Clarification was provided that a firefighter went through the same process a few years ago and a code change would be required to change the policy for the future.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution No. 2020-11** - Awarding a Contract to Provide Health & Life Insurance Consulting Services. (Administration)

MOTION:

Council Member Navarre **MOVED** to adopt Resolution No. 2020-11 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 overview of the review criteria and scoring process was provided; the rationale for issuing the request for proposals was also provided.

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

5. **Resolution No. 2020-12** - Selecting the Firm for the Kenai Municipal Airport Engineering Services. (Administration)

MOTION:

Council Member Navarre **MOVED** to adopt Resolution No. 2020-12 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.

MOTION TO AMEND:

Council Member Navarre **MOVED** to amend Resolution No. 2020-12 by substitution and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

Clarification was provided the contract was expired and the City was required by its purchasing policy to issue the request for proposal.

It was noted Wince, Corthell, Bryson worked in conjunction with the airport and the City for many years.

Clarification was also provided the City had maximum flexibility under the contract to negotiate with the contract firm or use another firm on any project.

VOTE ON THE MAIN MOTION AS AMENDED:

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

NAY:

MOTION PASSED UNANIMOUSLY.

6. **Resolution No. 2020-13** - Supporting Senate Bill No. 232 - An Act Relating to Personal Use Fishing Permits, That Would Establish a Fee for Personal Use Dipnetting to be Used by the State and City of Kenai to Support Personal Use Dipnet Fisheries. (Council Member Peterkin)

MOTION:

Council Member Peterkin **MOVED** to adopt Resolution No. 2020-13 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.

It was suggested the residents of the City should not have to subsidize the fishery. It was noted the fee, which was proposed to be passed down by the state, would help the City cover the expenses of the state's personal use fishery. There was discussion regarding the difficulty in guessing what level of services would be needed, the volatility of the salmon runs, the fees being specifically appropriated to benefit the fishery, Kenai resident participation in the fishery, and Kenai residents subsidizing the fishery. It was also noted that for many years, Council had been prudent in considering fees to support the fishery. The point was made that an increase in police and fire activity was difficult to tie to the fishery.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

E. MINUTES

1. *Regular Meeting of February 19, 2020. (City Clerk)

Approved by the consent agenda.

2. *Work Session Summary of February 19, 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. *Ordinance No. 3110-2020 - Amending Kenai Municipal Code Section 23.55.030 - Qualification Pay, to Add Additional Qualification Pay Items to the List of Those for Which Employees Continue to Receive While on Annual Leave or When Receiving Holiday Pay. (Administration)

Introduced by the consent agenda and public hearing set for March 18, 2020.

3. *Ordinance No. 3111-2020 - 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 March 18, 2020.

4. ***Ordinance No. 3112-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Kirila Fire, Inc. (Administration)

Introduced by the consent agenda and public hearing set for March 18, 2020.

5. **Action/Approval** - Proposed Amendment to Kenai Peninsula Borough Ordinance No. 2019-24 - An Ordinance Adopting KPB 20.80, Subdivision Gated Streets and Gated Subdivisions. (Legal)

MOTION:

Vice Mayor Molloy **MOVED** to approve the proposed amendment to Kenai Peninsula Borough Ordinance No. 2019-24 – an ordinance adopting KPB 20.80, Subdivision Gated Streets and Gated Subdivisions and Council Member Peterkin **SECONDED** the motion.

Clarification was provided that the City had opposed the ordinance through Resolution 2020-01 and since then an amendment had been proposed and the Council was being asked if they still opposed the ordinance as recently amended; it was noted administration didn't feel the amendment was a significant enough improvement.

Clarification was also provided that enactment of the ordinance would not affect existing gated subdivisions as those subdivisions were already platted; it was noted there were already provisions for the gated subdivisions through an exception process and, if the ordinance were to be enacted, the City would need to enact an appeal process.

There was discussion regarding proving the developer was compliant with all laws, the relationship between the Planning and Zoning Commissions in reviewing plats, and appeal processes.

VOTE:

YEA:

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

MOTION FAILED UNANIMOUSLY.

There was reluctance to support the ordinance being enacted area wide, outside of cities, without knowing the rationale as borough residents outside of the cities could be negatively impacted.

MOTION:

Council Member Navarre **MOVED** to direct the City Manager to send a letter to the borough clarifying the City's position after tonight's action, opposing KPB Ordinance No. 2019-24 substitute, even with the recently proposed amendment and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

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

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging – A reminder for the March for Meals was provided; Next meeting April 9.
2. Airport Commission – No report; next meeting March 12.
3. Harbor Commission – No report; next meeting March 9.
4. Parks and Recreation Commission – It was noted the Commission met on February 5 and selected a chair and vice chair; also discussed the kite festival and amending the policy for student representatives; next meeting March 5.
5. Planning and Zoning Commission – It was reported the Commission discussed and approved a time extension for Windhaven Estates; next meeting March 11.
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:

- Participated in the Love of Reading program at Mountain View Elementary;
- Swore in two new police officers;
- Presented the State of the City with the City Manager at today's Chamber of Commerce Luncheon;
- Noted Human Resources would be sending out evaluations for Council's staff.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager P. Ostrander reported on the following:
 - Beginning preparation discussions for the dipnet fishery;
 - Library bonds being refinanced at a lower interest rate;
 - Reiterated the State of Alaska Department of Transportation had made the administrative decision to manage Alaska Transportation Alternatives Program projects which would significantly increase the costs to the City for the bike path extension;
 - Completed interviews for Fire Chief;
 - Met with Kenai Watershed Forum regarding the pass through grant; have determined bacteria is due to natural cause and now plan to do a beach model;
 - Taking preliminary planning measures regarding Coronavirus;
 - Participated in a teleconference with the federal Office of Management and Budget and was promised that a letter would be sent by March 16 and, once the letter was circulated appropriately, the preconstruction, engineering, and design phase could begin.
2. City Attorney – No report.

3. City Clerk – City Clerk J. Heinz noted she was keeping informed on bills moving through the legislature affecting elections and also that the Public Official Financial Disclosure forms would be sent out soon.

K. ADDITIONAL PUBLIC COMMENT

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

None.

2. Council Comments

Council Member Pettey expressed appreciation for the State of the City presentation, noted the upcoming show at the Kenai Fine Arts, and provided a reminder for March for Meals on March 20.

Council Member Navarre noted the Mayor and City Manager did a great job presenting the State of the City; also participated in the Love of Reading program at Mountain View Elementary.

Council Member Glendening noted he was looking forward to March for Meals, attended a Soldotna Historical Society meeting, heard an update from the Kenai Parks and Recreation department regarding summer plans, and attended the Chamber Luncheon and heard the State of the City presentation.

Council Member Peterkin expressed gratitude to the streets department for snow removal and noted the Kenai Brown Bears Hockey Team would be playing in town in a few days.

Vice Mayor Molloy expressed gratitude for the State of the City presentation at the Chamber and for representation at the Board of Fisheries meeting.

Council Member Knackstedt noted he was looking forward to March for Meals, expressed gratitude for the support of his resolution encouraging funding for the Civil Air Patrol, and noted the Parks and Recreation Director presented to the Kenai Historical Society.

L. EXECUTIVE SESSION

1. To Discuss a Request to Purchase Properties Located at 11823 Kenai Spur Highway, Kenai, Alaska, Also Known as "Anchor Camp Ground," Pursuant to AS 44.62.310(c)(1)(3) is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City, and a Matter by which Law, Municipal Charter, or Ordinance are required to be Confidential.

MOTION:

Vice Mayor Molloy **MOVED** to enter into executive session to discuss a request to purchase properties located at 11823 Kenai Spur Highway, Kenai, Alaska, also known as "Anchor Camp Ground," which pursuant to AS 44.62.310(c)(1)(3) is a matter of which the immediate knowledge may have an adverse effect upon the finances of the City, and a matter by which law, municipal charter, or ordinance are required to be confidential and requested the presence of the City Manager and the City Attorney. Council Member Glendening **SECONDED** the motion.

VOTE:

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

MOTION PASSED UNANIMOUSLY.


Council reconvened in open session and it was noted for the record that Council met in executive session and reviewed and discussed a request to purchase properties located at 11823 Kenai Spur Highway, Kenai, Alaska, also known as "Anchor Camp Ground," and provided the City Manager direction.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:18 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of March 4, 2020.



Jamie Heinz, CMC
City Clerk

