

**KENAI CITY COUNCIL – REGULAR MEETING  
MARCH 18, 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 18, 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 (telephonic)
Jim Glendening	Robert Peterkin (telephonic)
Glenese Pettey (telephonic)	

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 agenda and packet:

Add item G.10. to be taken up first after Unscheduled Public Comment	<b>Action/Approval</b> – Support the City Manager’s Emergency Disaster Declaration. Emergency Declaration
Add item D.6. to be taken up second after Unscheduled Public Comment	<b>Resolution No. 2020-15</b> – Extending the Disaster Emergency Declaration for the City of Kenai Made on March 18, 2020 in Response to the COVID-19 Pandemic
Add item G.11. to be taken up third	<b>Ordinance No. 3114-2020</b> – Authorizing the Suspension and Modification of Various Sections of Kenai Municipal

after Unscheduled  
Public Comment

Code Regarding Council Meetings and Other Public Meetings and Participation in Order to Protect the Health Safety and Welfare of Our City and Declaring an Emergency.

- Ordinance No. 3114-2020
- Supporting Memo

Add item D.7.  
to be taken up in  
normal order of  
business

**Resolution No. 2020-16** – Supporting the Appointment of Robert Ruffner to the Alaska Board of Fisheries  
Resolution No. 2020-16  
Supporting Memo

**MOTION:**

Vice Mayor Molloy **MOVED** to approve the agenda with the requested additions to the agenda and packet. Council Member Knackstedt **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**. 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** – None.

**G.10. Action/Approval** – Support the City Manager’s Emergency Disaster Declaration.  
(City Manager)

*[Clerk’s Note: This item was added during approval of the agenda.]*

**MOTION:**

Vice Mayor Molloy **MOVED** to support the City Manager's Emergency Disaster Declaration and Council Member Knackstedt **SECONDED** the motion.

It was noted the City Manager had the authority to declare a disaster emergency and that declaration was valid for seven days, unless an extension was approved by Council. This emergency declaration would provide an opportunity for federal and state assistance and would be the mechanism that kicked off the City of Kenai Emergency Operations Plan.

**VOTE:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

**D. PUBLIC HEARINGS**

1. **Resolution No. 2020-15** – Extending the Disaster Emergency Declaration for the City of Kenai made on March 18, 2020 in Response to the COVID-19 Pandemic. (City Manager)

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

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-15 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 noted the City Manager had the authority to issue an emergency declaration for seven days and because the Council was meeting so soon, it was decided to issue the declaration in concert so the declaration could be extended by Council.

**VOTE:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Ordinance No. 3114-2020** – Authorizing the Suspension and Modification of Various Sections of Kenai Municipal Code Regarding Council Meetings and Other Public Meetings and Participation in order to Protect the Health Safety and Welfare of Our City and Declaring and Emergency. (Legal)
  1. Motion for Introduction
  2. Motion for Second Reading (Requires a Unanimous Vote)
  3. Motion for Adoption (Requires Five Affirmative Votes)

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

**MOTION FOR INTRODUCTION:**

Vice Mayor Molloy **MOVED** to introduce Ordinance No. 3114-2020 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.

**VOTE ON INTRODUCTION:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

**MOTION FOR SECOND READING:**

Vice Mayor Molloy **MOVED** to hold the second reading on Ordinance No. 3114-2020 and Council Member Glendening **SECONDED** the motion.

**VOTE ON SECOND READING:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

**MOTION FOR ENACTMENT:**

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3114-2020 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 clarified that this would relax the regulations regarding the in-person meeting requirements, allowing flexibility with City Council and the Planning and Zoning Commission meetings to be done virtually and telephonically during this time, to slow the spread of COVID-19.

**VOTE ON MOTION TO ENACT:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

- 3. Ordinance No. 3106-2020 - Amending Title 11 - Harbor and Harbor Facilities, to Remove Provisions that are No Longer Historically Relevant, Recognize Changes to Other Chapters of City Code That Now Provide for Lease and Sale of Harbor Lands**

and Provide the Harbor Commission a Platform to Move Forward. (Council Members Peterkin and Glendening)

**MOTION:**

Council Member Glendening **MOVED** to enact Ordinance No. 3106-2020 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.

It was noted the Harbor Commission had made efforts to recommend amendments to Title 11, that previous amendments to Title 22 affected Title 11, and some provisions that were time-based in nature were removed.

**MOTION TO AMEND:**

Council Member Glendening **MOVED** to amend the last whereas clause to indicate in the blanks that the Harbor Commission considered the ordinance on March 9, 2020 and recommended passage. Vice Mayor Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

It was noted this approach would allow synchronization between Title 11 and Title 22 regarding land management in the City. The work of the sub-committee and Harbor Commission was recognized and appreciated. Staff and Council Members Glendening and Peterkin were thanked for their work on the ordinance.

It was noted some parts of the code were outdated and the Harbor Commission has wanted this code to be changed for many years and with the amendment of Title 22, it was a suitable time to do so.

A history of the plat was provided.

**VOTE ON THE MAIN MOTION AS AMENDED:**

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

**MOTION PASSED UNANIMOUSLY.**

4. **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)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3110-2020 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 ordinance was housekeeping after Ordinance 3098-2019 was passed as it was discovered leave calculations should be accrued at the same rate.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

5. **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)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3111-2020 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 administration was hopeful that the boiler replacement could be covered with the existing contingency as well as the furniture for the terminal. City contingency left in the project would be \$369,354.71 of the \$500,000 contingency funds Council authorized. This Ordinance would be an appropriation of FAA grant funds to support the change orders.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

6. **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)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3112-2020 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.

Staff was thanked for management of the project.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

7. **Resolution No. 2020-14** - Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-14 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.

Appreciation was expressed for the investment in the City.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

8. **Resolution No. 2020-16** - Supporting the Appointment of Robert Ruffner to the Alaska Board of Fisheries. (Mayor Gabriel)

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

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-16 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 noted correspondence was received after the packet was produced that Mr. Ruffner was reapplying to the Board of Fisheries. Mr. Ruffner's qualifications and values were discussed.

The Mayor was thanked for bringing the Resolution forward.

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend by adding a new fourth whereas clause to read, "the Kenai Peninsula and particularly the Kenai River receives the majority of fishing pressure in

South Central Alaska, necessitating the need for a Board of Fish Representative from that area; and,” and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend by inserting a new fifth whereas clause to read, “the Board of Fish does not currently have a member from that area; and,” and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

**UNANIMOUS CONSENT** was requested on the main motion.

**VOTE ON THE MAIN MOTION AS AMENDED:**    There being no objections, **SO ORDERED**.

**E.    MINUTES**

1. \*Regular Meeting of March 4, 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** - Purchase Orders Over \$15,000. (Administration)

Approved by the consent agenda.

3. \***Action/Approval** - Non-Objection to the Renewal of the Liquor License for American Legion Post #20. (City Clerk)

Approved by the consent agenda.

4. \***Ordinance No. 3113-2020** - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Design Agreement with Wince Corthell Bryson. (Administration)

Introduced by the consent agenda and public hearing set for April 1, 2020.

5. **Action/Approval** - Special Use Permit to State of Alaska Department of Natural Resources - Forestry Division, for Aircraft Loading and Parking. (Administration)

**MOTION:**



Council Member Knackstedt **MOVED** to approve the Special Use Permit to State of Alaska Department of Natural Resources – Forestry Division, for Aircraft Loading and Parking. Vice Mayor Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

6. **Action/Approval** - Adopt a New City Logo. (City Manager)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt a new City logo and Vice Mayor Molloy **SECONDED** the motion.

Clarification was provided there were other logos provided by the marketing firm, Divining Point through the development process; however, the presented logo was the only one provided in the final delivery.

**UNANIMOUS CONSENT** was requested.

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

7. **Discussion** - Set Dates for Council Employee Evaluations. (Mayor Gabriel)

It was decided the City Manager’s evaluation would be an Executive Session on April 15 and the Clerk’s and Attorney’s evaluations would be a Special Meeting on April 16 at 5pm

8. **Discussion** - Parks and Recreation Commission and City Council Student Representative Policies. (Vice Mayor Molloy)

It was noted the change would open the pool of applicants for student representatives and, dependent on the outcome of the formal change to the Parks and Recreation Student Representative Policy, it might be considered to change the City Council Student Representative policy.

There was general support for a resolution amending the policy being brought forth. It was suggested the representative should be from a larger school that is selected from the body of students.

9. **Discussion** - Public Official Financial Disclosure Statements. (Vice Mayor Molloy)

There was general support for a resolution amending the statement. It was suggested that going through the form annually made one think about each item critically. It was also suggested the form could be required at nomination for election to ensure proper updating.

**H. COMMISSION/COMMITTEE REPORTS**

1. Council on Aging – The regular meeting of March and the March for Meals event were canceled; next meeting April 9.

2. Airport Commission – Met on March 12 and recommended lease to Schillings Rental, LLC; also briefed by the Airport Manager on the Coronavirus. Next meeting April 9.
3. Harbor Commission – Met on March 9 and recommended approval of Title 11 Ordinance; also discussed the cranes and operating lease at the City Dock. Next meeting April 6.
4. Parks and Recreation Commission – No report; next meeting April 2.
5. Planning and Zoning Commission – It was reported that at their March 11 meeting the Commission recommended approving the lease to Schillings Rental, LLC and approval of Title 11 Ordinance; next meeting April 8.
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 budget presentation at the Senior Center; and
- Noted the major impacts caused by COVID-19; encouraged following best practices from CDC and the state to prevent inundating the healthcare facilities.

**J. ADMINISTRATION REPORTS**

1. City Manager – City Manager P. Ostrander reported on the following:
  - Presented the State of the City address with Mayor Gabriel and the Invest in Kenai event at the Senior Center;
  - Preparations and actions taken in response to COVID-19; and
  - The Federal Office of Management and Budget signed off on the Bluff Erosion Project and sent it back to the Corps of Engineers; the Federal delegation was engaged.
2. City Attorney – City Attorney S. Bloom noted that decisions would likely have to be made outside of City code as decisions needed to be made quickly in response to COVID-19 and necessary adjustments would be made at a later date. It was assured that the City Manager would continue to keep Council updated.
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. She added the findings of a feasibility study on elections by mail would be presented to the Kenai Peninsula Borough Assembly on May 5 and she would provide an update to Council.

**K. ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*) - None.
2. Council Comments

Council Member Navarre thanked City administration, staff and residents for reacting favorably in the COVID-19 pandemic, recommending putting a more positive perspective when talking to youth about it.

Council Member Peterkin echoed Navarre; keep things in perspective and accept stepping back and staying home.

Council Member Pettey encouraged all to be safe, calm, and thankful for all the plans put in place; all would be in her thoughts and prayers.

Council Member Glendening noted history showed something positive, when times are challenging, the best in people come out. He added the Borough ordinance regarding gated subdivisions was postponed as the Assembly was asking for a legislative intent statement.

Vice Mayor Molloy commended the City Manager and Incident Management Team for developing policies related to pandemic and also the supporting legislative body; noted the good attitudes people had to the quick adjustments; need for public health to ensure economic future; and appreciated that the public was responding well.

Council Member Knackstedt noted the country has been through difficult times in the past; at this point public knows what to do – keeping mindful and doing what is necessary to do to get through and then there will be optimism and more investment in the City.

**L. EXECUTIVE SESSION**

1. Discussion of Facility Management Agreement for the Kenai Visitor and Cultural Center, pursuant to AS 44.32.310(c)(1)(3) 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 the Facility Management Agreement for the Kenai Visitor and Cultural Center pursuant to AS 44.32.310(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, as needed, of the City Manager and the City Attorney. Council Member Knackstedt **SECONDED** the motion.

**VOTE:**

YEA: Gabriel, Peterkin, Glendening, Pettey, Molloy, Navarre, Knackstedt  
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 the Visitor and Cultural Center Management Agreement 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 9:30 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of March 18, 2020.

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

