

**KENAI CITY COUNCIL – REGULAR MEETING
APRIL 15, 2020 – 6:00 P.M.
KENAI CITY HALL
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 virtually on April 15, 2020, in City Hall, 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 Glendening	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 agenda and packet:

- | | |
|------------------|---|
| Add to item D.3. | Resolution 2020-19 <ul style="list-style-type: none">• Amendment Memo• Amendment Memo• Written Public Comments (two) |
| Add item D.4. | Resolution No. 2020-20 |
| Add to item J.1. | Ordinance No. 3114-2020 <ul style="list-style-type: none">• February KVCC Report |

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

1. **Tim Dillon, Kenai Peninsula Economic Development District - COVID-19 Economic Impact Survey.**

Mr. Dillon reported that a survey was developed a couple of weeks ago to gather some baseline data to estimate and the regional impact to our economy. Due to COVID-19, the survey was conducted March 20 – 27 and was completed by 721 businesses across the Borough. He further noted the federal emergency funding process and clarified that in the next 30-45 days another survey was being conducted and he should have additional information, and could provide it to the City Clerk.

C. UNSCHEDULED PUBLIC COMMENTS – None.

D. PUBLIC HEARINGS

1. **Ordinance No. 3116-2020 - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement for the Design of the Airport Operations Sand Storage Facility Project. (Administration)**
 - **Substitute Ordinance No. 3116-2020**

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3116-2020 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.

MOTION TO AMEND:

Council Member Navarre **MOVED** to amend by substitute Ordinance No. 3116-2020 and requested **UNANIMOUS CONSENT**; Council Member Knackstedt **SECONDED** the motion.

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

The City Manager noted the storage facility would have a dual-purpose use and was significantly needed. It was clarified that some funding would be provided by the FAA and the location of the storage facility would be just north of the existing Airport Operations Facility.

VOTE ON MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

2. **Resolution No. 2020-18** - Awarding a Contract to Provide a Cybersecurity Audit. (Administration)

MOTION:

Council Member Navarre **MOVED** to adopt Resolution No. 2020-18 and requested **UNANIMOUS CONSENT**. 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.

The City Manager noted this was a grant from the Department of Homeland Security as part of a larger grant that the City received, and Securance Consulting was deemed the best option for the work. It was clarified the intent was for a one-time audit.

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

3. **Resolution No. 2020-19** - Recognizing the Successful Efforts of the State Leadership and Alaskan Residents to Slow the Spread of COVID-19 and Encouraging the Governor to Rescind or Modify COVID-19 Health Mandates 003: State Wide Closure Restaurants, Bars, Entertainment, 009: Personal Care Services and Gatherings, and 012: Intrastate Travel, as Soon as Reasonably Practical to Allow Alaskan Businesses to Resume Operations, Employees to Return to Work and Residents to Receive Services in a Safe Manner Observing Social Distancing Requirements. (Council Member Peterkin)

MOTION:

Council Member Peterkin **MOVED** to adopt Resolution No. 2020-19 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 Peterkin **MOVED** to amend by adding a new section 3 to read, "Upon passage, a copy of this legislation shall be forwarded to Governor Mike Dunleavy and Kenai Peninsula Legislators Senator Peter Micciche, Senator Gary Stevens, Representative Gary Knopp, Representative Ben Carpenter and Representative Sarah Vance," and requested **UNANIMIOUS CONSENT**. Vice Mayor Molloy **SECONDED** the motion.

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

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Resolution No. 2020-19 by adding a whereas clause as the last whereas clause on page 2 to read, "Whereas, the City Council recognizes that Governor Dunleavy must make unprecedented, difficult decisions to limit the spread of COVID-19 virus statewide while protecting Alaskans' health and safety and Alaska's economy, and that changes to the restrictions in health mandates may be implemented in phases to meet the goal of flattening the infection curve and disrupting the spread of this virus." Council Member Peterkin **SECONDED** the motion.

Vice Mayor Molloy clarified the purpose to this amendment was to include words of support and compassion to the Governor and recognized the aggressive efforts to slow the spread of COVID-19. He further clarified that the whereas placement in the resolution had no priority preference, it did not affect the intent of the resolution.

The City Attorney noted there were no legal concerns with the resolution.

The City Manager noted the intent of the resolution was to recognize the Governor's efforts and efforts of all Alaskans in the aggressive actions, as well as suggested to specifically look at the three mandates and consider modifying or rescinding them as soon as practical.

MOTION TO AMEND THE AMENDMENT:

Council Member Knackstedt **MOVED** to place the new whereas clause as the 11th clause and Vice Mayor Molloy seconded. **UNANIMOUS CONSENT** was requested.

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

UNANIMOUS CONSENT was requested on the motion to amend.

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

MOTION TO AMEND:

Council Member Navarre **MOVED** to amend Resolution No. 2020-19 by adding a whereas clause to read, "Whereas, the Governor's decision about when and how to re-open non-essential businesses, along with schools and other issues should put the health of residents first, and rely on science rather than politics;" and Vice Mayor Molloy **SECONDED** the motion.

Concern was expressed that it would make the message of urgency in getting people back to work, ineffective. It was also noted that it implied that the Governor was being persuaded by politics and not by science right now.

MOTION TO AMEND THE AMENDMENT:

Council Member Navarre **MOVED** to amend the amendment by removing "rather than politics" and Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

The City Attorney noted that this whereas clause would need to be in conjunction with a title change because it noted schools.

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

MOTION TO AMEND THE AMENDMENT:

Council Member Navarre **MOVED** to amend the amendment by removing "along with schools and other issues", to now read as, "Whereas, the Governor's decision about when and how to re-open non-essential businesses should put the health of residents first, and rely on science." Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

VOTE ON THE AMENDMENT:

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

MOTION FAILED.

MOTION TO AMEND:

Council Member Navarre **MOVED** to amend Resolution No. 2020-19 by moving language in the title to read, "...Encouraging the Governor as Soon as Reasonably Practical to Rescind or Modify...; and Vice Mayor Molloy **SECONDED** the motion.

It was clarified that the purpose of moving the wording was to put more emphasis on caution by having it at the forefront, not change the intent of the resolution.

VOTE ON THE AMENDMENT:

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

MOTION PASSED.

5. **Resolution No. 2020-20** – Supporting H.R. 6467-Coronavirus Community Relief Act, Providing Enhanced Coronavirus Relief Funds to Units of Local Governments with a Population of 500,000 or Less. (Mayor Gabriel)

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

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-20 and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

It was clarified that this would be in support of House Bill 6467 to allocate funding for smaller communities across the country, a relief funding to help bridge the gap that was occurring with COVID-19 and would make the City of Kenai eligible.

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

E. MINUTES

1. *Regular Meeting of March 18, 2020. (City Clerk)

Approved by the consent agenda.

2. *Special Meeting of March 24, 2020. (City Clerk)

Approved by the consent agenda.

3. *Regular Meeting of April 1, 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. ***Ordinance No. 3117-2020** - Appropriating Funds in the Airport Fund, Accepting a Grant from the Federal Aviation Administration and Appropriating Funds in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment (SRE) – Loader With Attachments. (Administration)

Introduced by the consent agenda and public hearing set for May 6, 2020.

4. ***Ordinance No. 3118-2020** - Increasing Estimated Revenues and Appropriations By \$1,287.44 in the General Fund – Police Department for State Traffic Grant Overtime Expenditures. (Administration)

Introduced by the consent agenda and public hearing set for May 6, 2020.

5. ***Ordinance No. 3119-2020** - Increasing General Fund Estimated Revenues and Appropriations by \$26,542 in the General Fund Parks, Recreation and Beautification Department for an Increase of a Grant from the United States Environmental Protection Agency Passed Through the State of Alaska Department of Environmental Conservation for Bacteria Level Monitoring on the City's Beaches from March 1, 2020 Through June 30, 2020. (Administration)

Introduced by the consent agenda and public hearing set for May 6, 2020.

6. **Discussion** – Schedule a Work Session to Review and Discuss the Fiscal Year 2021 City of Kenai Budget. (Mayor Gabriel)

The work session was set for Saturday, April 25 beginning at 9 a.m. via Zoom virtual meeting. The City Clerk noted hard copies of the budget would be mailed to Council Members.

7. **Discussion** - City Response to COVID-19. (Administration)

The City Manager reported COVID-19 was a primary focus with the health and safety of the employees and continuing to provide critical support to the residents. He noted an update of the 114 employees, there was an increase for need in the workplace, reducing the employees at home from 32 to 26 and the Governor's Health Mandate 014 on April 13 would allow FEMA reimbursement for those employees. He added that the next effort was with City of Kenai Resolution 2020-20 supporting Legislative Bill 6467 offering financial support of lost revenues to smaller municipalities. Additionally, the City of Kenai received \$1.6 million from the CARES Act in support of the Kenai Municipal Airport.

The City Manager reported that Department heads met to discuss how and when to begin bringing employees back to work, with the health and safety as top priority. He clarified regarding the Personal Use fishery this summer, noting measures taken to allow opening and safety for the attendant such as a payment kiosk outside and a microphone system.

The City Attorney clarified the Governor had the ultimate authority in an emergency but because the City declared a disaster declaration, the City could exercise police powers for the health and safety of the residents and further regulate.

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging – No report; next meeting May 14.
2. Airport Commission – No report; next meeting May 14.
3. Harbor Commission – No report; next meeting May 11.
4. Parks and Recreation Commission – No report; next meeting May 7.

5. Planning and Zoning Commission – Met on April 8 – approved two plats; next meeting May 13.
6. Beautification Committee – No report; next meeting May 12.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported that Chamber luncheons were being canceled, but a joint proclamation was declared through a Zoom meeting broadcast for National Public Safety Telecommunications Week on April 12-18, 2020. He further thanked City Administration and the employees for their dedication, proactiveness, and offered reassurance to residents during this trying time.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager P. Ostrander reported on the following:
 - Hired new Deputy Chief, Mark Anderson, a long-time employee of the Kenai Fire Department;
 - The new Fire Truck arrived today, provided by a grant several years ago; Fire Department excited to have it here;
 - Trying to determine how to best manage the Recreation Center and the Boys and Girls Club for the remainder of this fiscal year;
 - Provided an update on the Bluff Erosion Project - progressing forward; and
 - In discussion with the City of Soldotna, there was interest in offering a financial incentive to residents to spend locally and get a credit towards utilities accounts or a refund check; he could bring forth a resolution for Council review at the next meeting.
2. City Attorney – City Attorney S. Bloom reported Administration was working through Ravn Airlines no longer working at the Kenai Municipal Airport; gathering information to determine best path forward. He also reported that online tax was now being collected through the Commission and should receive a report at the end of the month to see what the financials look like for the City.
3. City Clerk – City Clerk J. Heinz provided a reminder that the findings of the 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. She shared concerns by other municipalities regarding COVID-19 come election time.

K. ADDITIONAL PUBLIC COMMENT

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

Council members expressed support of a resolution offering financial incentive to Kenai residents that support local businesses and thanked the City Clerk with all her assistance and a smooth meeting through Zoom.

Council Member Peterkin thanked Administration for help with Resolution No. 2020-19 and noted positively about seeing all members over video for the meeting.

Council Member Glendening spoke in favor of meeting in-person as soon as practical, noting discussions without distraction in-person was more efficient.

Council Member Knackstedt expressed appreciation for the City Manager's hard work, leadership, and teamwork at the City especially right now.

Council Member Molloy thanked Administration for their thorough reports and Resolution No. 2020-20 brought forward, the benefit and information of COVID-19 on the agenda, and was looking forward to meeting in Council Chambers again.

Council Member Navarre noted the concern about the schools and businesses shut down but the benefits of the early decisions in hunkering down to address COVID-19, and encouraged everyone to stay safe and follow the Governor's recommendations while finding a best way forward for businesses.

Council Member Pettey noted that the situation with COVID-19 illustrated the connectivity of the community and the gain of an appreciation when getting to go in public or shaking a hand without worry. She also noted excitement on the progress of the Kenai Municipal Airport. She thanked all community members shopping locally, to stay safe and keep social distancing so that everyone return to more normal activities sooner.

L. EXECUTIVE SESSION

1. Discussion of the City Manager's Evaluation which may be a Subject that Tends to Prejudice the Reputation and Character of the City Manager [AS 44.62.310(C)(2)].

MOTION:

Vice Mayor Molloy **MOVED** to enter into executive session to discuss the City Manager's Evaluation which may be a Subject that Tends to Prejudice the Reputation and Character of the City Manager [AS 44.62.310(C)(2)], and requested the presence, as needed, of the City Manager. Council Member Glendening **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 City Manager's performance evaluation with the City Manager and reported the evaluation of his performance was positive.

M. PENDING ITEMS – None.

N. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:33 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of April 15, 2020.



Jamie Heinz, CMC
City Clerk

