

**KENAI CITY COUNCIL – REGULAR MEETING  
AUGUST 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 August 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	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  
Jacquelyn LaPlante, Deputy Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following revisions to the agenda and packet:

- |                  |  |
|------------------|--|
| Add to item D.1. | <b>Ordinance No. 3146-2020</b> <ul style="list-style-type: none"><li>• Amendment Memo</li></ul>                                  |
| Add to item D.6. | <b>Resolution No. 2020-64</b> <ul style="list-style-type: none"><li>• Substitute Resolution No. 2020-64</li><li>• Memo</li></ul> |
| Add to item D.8. | <b>Resolution No. 2020-66</b> <ul style="list-style-type: none"><li>• Amendment Memo</li></ul>                                   |

Add to item F.1.

**Ordinance No. 3133-202**

- Replacement Amendment Memo

**MOTION:**

Vice Mayor Molloy **MOVED** to approve the agenda with the requested additions to the 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 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 council member 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 Dunn – Erosion Mitigation for the Bluff Adjacent to Toyon Way.**

Mr. Dunn spoke regarding the City's Bluff Erosion project noting it consisted of stabilizing one mile of bluff and suggested the project should be longer to include dunes on North and South Beaches as well as the bluff along Toyon Way. He asked for Council's support for the City Administration to spend time assisting the neighborhood to develop a Local Improvement District adding that a contractor has reviewed the area and offered a proposal which had been shared with the neighborhood; each property owner would need to contract with the contractor separately. Mr. Dunn noted a consistent barrier at the toe would be more effective than piecemeal along each property line.

**C. UNSCHEDULED PUBLIC COMMENTS**

Marian Nelson applauded the City for its support of its Capital Improvement Projects and asked Council to consider including the Art Guild's project in those improvements.

Mick Wykis echoed support for adding the Art Guild's project in the City's Capital Improvement Project list and thanked the Council for their contribution to the success of the Kenai Fine Arts Center.

**D. PUBLIC HEARINGS**

1. **Ordinance No. 3146-2020** - Increasing Estimated Revenues and Appropriations in the General Fund, Library Improvement Capital Project Fund, Visitor Center Improvement Capital Project Fund, Municipal Roadway Improvements Capital Project Fund, Kenai Recreation Center Improvements Capital Project Fund, Information Technology Improvements Capital Project Fund, and City Hall Improvements Capital Project Fund to Fund Capital Projects Deferred During the FY2021 Budget Process. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3146-2020 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 amending section 1 dollar amounts to \$1,545,000 in both instances and adding a new Section 8 to read, "that the estimated revenues and appropriations be increased as follows: Kenai Fine Arts Center Improvement Capital Project Fund: Increase Estimated Revenues – Transfer from General Fund \$100,000, Increase Appropriations – Construction \$100,000," and renumber following sections and amend title and requested **UNANIMOUS CONSENT**. Vice Mayor Molloy **SECONDED** the motion.

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

**MOTION TO AMEND:**

Council Member Navarre **MOVED** to amend by amending dollar amounts in section 1 to \$1,565,000 in both instances and amending new Section 8 by replacing \$100,000 with \$120,000 in both instances and requested **UNANIMOUS CONSENT**. Council Member Pettey **SECONDED** the motion.

It was noted the additional funding was to include window replacement in the project. It was also noted that the Art Guild was covering one-third of the project, had applied for a grant, and that the City benefited from the asbestos removal.

Clarification was provided that the project wouldn't qualify for CARES Act funding because it had been planned prior to the COVID outbreak.

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

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend by adding a new Section 9 to read, "That the funding for the Kenai Fine Arts Center Improvement be restricted as follows: 1) If the engineer's estimate for the project exceeds \$150,000, the appropriation should be brought back to the City Council for re-consideration. 2) The \$120,000 appropriation must be committed or encumbered by November 10, 2021. 3) The \$120,000 may only be used for construction at the Kenai Fine Arts Center," and renumber subsequent sections in the ordinance accordingly. Council Member Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

Gratitude was expressed for the clarity of all projects included in the project list and for finding a way to bring forth the Capital Projects.

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

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

**MOTION PASSED UNANIMOUSLY.**

2. **Ordinance No. 3147-2020** - Accepting and Appropriating \$2,135.25 in Asset Forfeiture Sharing Funds for Purchasing Law Enforcement Equipment into the General Fund, Police Department. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3147-2020 and Council Member Pettey **SECONDED** the motion.

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

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

3. **Ordinance No. 3148-2020** - Accepting and Appropriating a Meals on Wheels COVID-19 Response Fund Grant Round Two from Meals on Wheels America for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3148-2020 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.

Meals on Wheels was thanked for the additional grant.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

- 4. Ordinance No. 3149-2020** - Accepting and Appropriating a Grant from the Federal Aviation Administration and Authorizing the Purchase of Property Described as Lot 5, Spruce Creek Subdivision which is in the Airport's Runway Protection Zone. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3149-2020 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 it was prudent for the property to be purchased; suggested the Administration continue to look for opportunities to purchase properties for this purpose.

**VOTE:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

- 5. Resolution No. 2020-63** - Declaring a Right-Of-Way for a Portion of the Cul-De-Sac at the North End of Daubenspeck Circle as Dedicated on Baron Park 2012 Addition, Plat KN 2012-89, and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-63 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.

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

- 6. Resolution No. 2020-64** - Authorizing the Award of a Professional Services Agreement for Kenai Small Business Development and Tourism Marketing Services Related to the COVID-19 Public Health Emergency. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-64 and Council Member Pettey **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:**



“\$64,840” in Section 1. Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

**UNANIMOUS CONSENT** was requested.

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

9. **Resolution No. 2020-67** - Approving a Grant to the Alaska Municipal League Utilizing Funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. (Council Member Navarre)

**MOTION:**

Council Member Navarre **MOVED** to adopt Resolution No. 2020-67 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.

An overview of the services Alaska Municipal League has provided to the City was provided as well as clarification that they provide a service to the City so they qualified for funding outside of the grant process developed by the City.

**UNANIMOUS CONSENT** was requested.

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

**E. MINUTES**

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

Approved by the consent agenda.

**F. UNFINISHED BUSINESS**

1. **Substitute Ordinance No. 3133-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue Fund, Authorizing a Budget Transfer in the Airport Terminal Improvement Capital Project Fund and Appropriating FY2020 Budgeted Funds in the Airport Master Plan Capital Project, Airport Snow Removal Equipment and Airport Operations Facility Improvement Capital Project Funds for Heating, Ventilation and Air Conditioning (HVAC) Improvement to the Airport Operations Facility and Replacement of the Airport's Wide Area Mower. (Administration) [Clerk's Note: At the July 15 Meeting, this item was Postponed to this Council Meeting. A Motion to Enact is On the Floor.]

**MOTION TO AMEND:**

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3133-2020 by amending the title by deleting the words "INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE FUND," replacing \$XXX,XXX in the third WHEREAS with \$248,150, deleting the fourth WHEREAS in its entirety, replace both \$XXX,XXX's with \$208,485 in Section 1, delete Section 3 in its





8. **\*Ordinance No. 3154-2020** - Accepting and Appropriating a Grant from the National Marine Fisheries Service Passed Through the Pacific States Marine Fisheries Commission, Accepting and Appropriating Additional Insurance Proceeds, and Awarding a Contract for Repair to the Kenai City Dock for Damage Caused by Earthquakes in 2016 and 2018 and Installation of a Cathodic Protection System to Prevent Corrosion. (Administration)

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

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

The number of cases, case rate, and hospitalizations were provided; also noted no changes in the level facilities were open.

It was noted the softball association asked if the state tournament could take place in Kenai; typically takes place in Anchorage and it was thought approximately 100 people would come to town. The request was made for the association to consider Kenai in the future as well.

10. **Discussion** - City of Kenai Response to Governor Dunleavy's Local Mitigation Level Recommendations and Consideration of Joint Work Session with the City Of Soldotna Council. (City Manager)

It was noted the Governor reached out to Mayors and Managers in different regions asking that mandates be administered locally noting certain places in the state may not need the same mandates; expected documentation to be forthcoming.

There was consensus that a joint meeting be held after documentation was received; this agenda item to be on the next agenda.

H. **COMMISSION / COMMITTEE REPORTS**

1. Council on Aging – No report; next meeting September 10.
2. Airport Commission – No report; next meeting August 13.
3. Harbor Commission – No report; next meeting August 10.
4. Parks and Recreation Commission – No report; next meeting August 6.
5. Planning and Zoning Commission – It was reported the Commission considered and approved a plat to combine lots at their meeting on July 26; next meeting August 12.
6. Beautification Committee – No report; next meeting September 8.
7. Mini-Grant Steering Committee – No report.

I. **REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Thanked Vice Mayor Molloy for filling in for the July 15 meeting;
- Participated in a teleconference with the City Manager and the Governor's Office regarding COVID-19 mitigation;

- Spoke about the tragic plane accident on Friday, July 31 taking the lives of all eight passengers noting that Representative Gary Knopp fought for what his constituents wanted adding that he was a great neighbor and member of the community; also spoke about Greg Bell and his involvement in the community.

**J. ADMINISTRATION REPORTS**

1. City Manager - City Manager P. Ostrander reported on the following:
  - Annual surplus auction in the next several weeks;
  - CARES Act grant program update;
  - Contractor looking at the bowling alley to fix the façade;
  - Update on the bike path project noting the cost had increased again;
  - Land management plan draft was complete and would be working through the Commissions and Council in the next few months;
  - Preconstruction Engineering Design agreement for the Bluff Erosion Project would likely be signed mid-August and fully executed by early September assuming no headquarter review needed; and
  - Signage for Old Town nearing completion.
2. City Attorney – No report.
3. City Clerk – City Clerk J. Heinz reported on the following:
  - The Vote by Mail ordinance had been referred to the voters and would be on the October 6 ballot; and
  - Candidate filing period for two City Council seats was open.

**K. ADDITIONAL PUBLIC COMMENT**

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

Marian Nelson expressed gratitude for Council's support of the Fine Arts Center and noted that the polling places used to be at the Armory.

2. Council Comments

Council Member Glendening spoke fondly regarding Representative Gary Knopp.

Vice Mayor Molloy expressed gratitude for the moment of silence and the words for the families; commended Administration's work on dipnet noting current management tools has shown benefit; and commended the Clerk's Office supporting the Council and Commissions noting the full-time Deputy Clerk was paying off.

Council Member Knackstedt expressed sorrow for the plane crash noting his heart went out to the families; Mr. Bell and Representative Knopp would be missed.

Council Member Pettey noted the lives lost in the plane crash were irreplaceable and expressed condolences; noted Representative Knopp would leave a legacy and an example that the rest of us could learn from.

Council Member Navarre expressed gratitude for the new operator taking over RAVN; thankful for Grant and maintaining flight service. Also spoke about the plane crash devastatingly taking the seven lives on

July 31<sup>st</sup> noting he was proud of how Representative Knopp did his job and expressed condolences to families.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS**

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [Clerk's Note: At the July 1 Meeting, this item was Postponed to the 08/19/20 Council Meeting.]
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For a Record Retention Length. (City Clerk) [Clerk's Note: At the July 1 Meeting, this Item was Postponed to the 08/19/20 Council Meeting.]

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:42 p.m.

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

  
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Jamie Heinz, CMC  
City Clerk

