

**KENAI CITY COUNCIL – REGULAR MEETING
OCTOBER 7, 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 October 7, 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

3. Agenda Approval

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

Remove item G.3. From Consent Agenda	Non-Objection to Majestic Gardens, LLC Marijuana License Renewals <ul style="list-style-type: none">• Postponement Memo
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MOTION:

Vice Mayor Molloy **MOVED** to approve the agenda with the requested amendments and additions and requested **UNANIMOUS CONSENT**. Council Member Pettey **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 – None.

C. UNSCHEDULED PUBLIC COMMENTS – None.

D. PUBLIC HEARINGS

1. **Resolution No. 2020-80** - Amending the City's Grant Disbursement Program Utilizing Funds from the Coronavirus Aid, Relief, And Economic Security (CARES) Act to Increase the Grant Amount Under the Individual Assistance to Commercial Fishers Program, Authorizing the City Manager to Enter Into an Agreement with Peninsula Community Health Services of Alaska (PCHS) for Mental Health Services in Kenai, and Authorizing a Budget Transfer in the COVID-19 Cares Act Recovery Fund. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-80 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.

Vice Mayor Molloy disclosed that PCHS was a client of his firm on an as requested basis, reviewing contracts on occasion. He added that he has not reviewed the agreement in this situation and was not going to receive payment for services on the contract between the City and PCHS. Mayor Gabriel ruled Vice Mayor Molloy did not have a conflict in this matter and could participate in the discussion and vote.

An overview of what the Resolution accomplished was provided.

Mayor Gabriel disclosed he owned a commercial fishing permit. City Attorney Bloom noted the emergency affected all of the community in the same way and advised the Mayor that could participate in the discussion and vote on the matter.

It was noted there was positive feedback from the community about the City getting the CARES Act funds out to businesses so quickly; Project Lead Persily was commended for his assistance.

Clarification was provided that processing the applications for the mortgage and rental assistance was somewhat slow due to the volume of applications being reviewed.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

E. MINUTES

1. *Regular Meeting of September 16, 2020. (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS

1. **Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration)
[Clerk's Note: At the September 2 Meeting, this item was Postponed to the 09/16/20 Council Meeting; a motion to enact is on the floor.]
 - **Substitute Ordinance No. 3155-2020** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds, Authorizing an Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services, and Awarding a Contract for the 2020 Kenai Municipal Airport Sand Storage Facility Project.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3155-2020 by substitute. Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

An overview of the project, the need for the project, FAA funding, and location was provided.

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate

Certification. (Vice Mayor Molloy) [**Clerk's Note:** At the September 2 Meeting, this item was Postponed to the 10/07/20 Council Meeting; a motion to enact is on the floor.]

The sponsor reiterated that purpose of the ordinance was to reduce paperwork burden for officers that don't have changes to financial disclosure. It was noted anything else would add paperwork and review burden for the Office of the City Clerk.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

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)

MOTION:

Vice Mayor Molloy **MOVED** to approve purchase orders over \$15,000 as presented and Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

3. **Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Cultivation License for Majestic Gardens, LLC. (City Clerk)

[Clerk's Note: This item was removed from the Consent Agenda at approval of the Agenda.]

Concern was expressed that the licensee was being treated differently in this situation.

Clarification was provided that fire inspections were conducted during the regular course of business, Kenai Municipal Code Title 2 required that alcohol and marijuana licensees have all obligations to the city in satisfactory condition, that state statute provided the city 60 days from notification to submit a response which gave the City until November 22 to work with the business to bring fire code violations into compliance without jeopardizing the licensing. Clarification was also provided that the same process was followed for all alcohol and marijuana licensees upon renewal of their licenses and the reason for the request to postpone indefinitely was to provide Administration with the flexibility to bring the matter back as soon as possible and in a way that administration is comfortable with recommending.

Concern was again expressed that if the City had other tools to use to work with the applicant, the marijuana licenses should not be leveraged.

It was reiterated that the City was working with the applicant to bring the issues to resolution.

MOTION TO POSTPONE INDEFINITELY:

Vice Mayor Molloy **MOVED** to postpone indefinitely and Council Member Glendening **SECONDED** the motion.

MOTION TO AMEND:

Council Member Navarre **MOVED** amend by changing indefinitely to October 21 and Council Member Pettey **SECONDED** the motion.

There was objection to the amendment noting the matter would still be packaged together as non-objections when administration had noted the need for the flexibility to possibly extend further and to bring the matter back as two different agenda items.

Clarification was provided that, in the event administration was to recommend a conditional objection to the renewal of the cultivation facility license, a public hearing would be required and, having a conditional objection and a non-objection on the agenda would be difficult to navigate.

It was noted administration had laid out a good road map to work with the licensee and resolve the situation.

Further concerns regarding treating everyone the same and using other tools available was expressed.

It was again reiterated that the City was working with the applicant toward resolution with the objective that a non-objection was the desired outcome.

VOTE ON THE AMENDMENT:

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

MOTION FAILED.

VOTE ON POSTPONING INDEFINITELY:

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

MOTION PASSED UNANIMOUSLY.

- *Ordinance No. 3163-2020** - Amending Kenai Municipal Code Sections 23.30.030 – Probationary Period for Employees in the Classified Service, to Remove the Six-Month Waiting Period for New Employees to Utilize Annual Leave, 23.40.060 – Leave of Absence with Pay, to Allow for Transition Leave for New Police Officers on Completion of a Public Safety Academy, and 23.30.120 – Moving Expense for New Employees, to Amend Reimbursement Language. (Administration)

Introduced by the Consent Agenda and Public Hearing set for October 21, 2020.

- *Ordinance No. 3164-2020** – Accepting and Appropriating a Grant from Marathon Petroleum Foundation to Purchase Firefighting Tools. (Administration)

Introduced by the Consent Agenda and Public Hearing set for October 21, 2020.

6. Discussion - Response to COVID-19. (Administration)

The number of cases, case rate, and hospitalizations were provided. The manager noted he attended a call with the state epidemiology team, legislative action would be required to extend the state's emergency declaration, and mandates would expire if the emergency declaration expired. It was added that the Incident Management Team would review the return to work policy if the travel mandates expired.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – No report; next meeting November 12.
2. Airport Commission – No report; next meeting November 12.
3. Harbor Commission – No report; next meeting October 12.
4. Parks and Recreation Commission – It was reported the Commission reviewed their park tour and discussed the success of the Kenai River Marathon noting participation exceeded expectation; also discussed the lack of a campground in the City; next meeting November 5.
5. Planning and Zoning Commission – It was reported the Planning and Zoning Commission met on September 23 and approved a Conditional Use Permit for the breeding and sale of dogs; also noted the October 14 meeting was cancelled and the next meeting was scheduled for October 28.
6. Beautification Committee – No report; next meeting October 13.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Met with the auditors as a part of their annual audit; suggested other Council Members take the opportunity to do so in the future; and
- Noted the high participation in the local election expressing appreciation for everyone who ran; noted the courage it takes to run for office.

J. ADMINISTRATION REPORTS

1. City Manager - City Manager P. Ostrander reported on the following:
 - He was participating in the ad-hoc Alaska Municipal League (AML) group that will be making recommendations to AML regarding the state's budget;
 - Upcoming interviews with candidates for the Planning Director position;
 - The Kenai Silver Salmon Derby was successful; a \$4,000 check to Kenai Community Foundation was sent;
 - The Chamber Director was engaged with the City and excited about opportunities discussed; the working relationship with the City is excellent;
 - Continuing to negotiate with the state regarding the bike path along Bridge Access; being pressed to sign an agreement but there are discrepancies in match amounts;

- A \$350,000 check was sent to the Corps of Engineers for the Bluff Erosion Project; working on letters of intent; will be meeting starting next week; and
 - Reviewed the recent power outage at the Water Plant noting a consultant was coming in to look at the Supervisory Control and Data Acquisition System; information from the consultant will also help develop a response to future situations.
2. City Attorney – No report.
 3. City Clerk – City Clerk J. Heinz reported on the following:
 - Provided an overview of the results of election night and ballots that remained outstanding to be counted by the Canvass Board on October 13;
 - Deputy Clerk position offered and accepted; new hire starting on Monday, October 12.

K. ADDITIONAL PUBLIC COMMENT

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

Council Member Glendening noted he waved signs on Election Day; noted the superb election work the clerks provided in tough times.

Vice Mayor Molloy thanked the clerks and poll workers for making voting a positive voting experience and noted the higher turnout.

Council Member Pettey thanked the voters and candidates; also thanked the former Deputy Clerk for her superb work and assistance.

Council Member Navarre expressed gratitude to the clerks and poll workers for their work in the election.

Council Member Knackstedt noted how quickly the election results were in after the election; noted he attended the Chamber Candidate Forum and expressed appreciation for the opportunity to get out and debate this election.

L. EXECUTIVE SESSION – None.

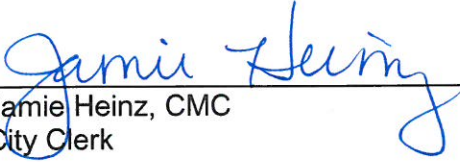
M. PENDING ITEMS

1. **Substitute 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 August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]
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 August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.*]

N. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:00 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of October 7, 2020.



Jamie Heinz, CMC
City Clerk

