

**KENAI CITY COUNCIL – REGULAR MEETING
JULY 7, 2021 – 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 July 7, 2021, 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
Henry Knackstedt
Jim Glendening
Victoria Askin

Robert Molloy
Tea Winger
Glenese Pettey

A quorum was present.

Also in attendance were:

Terry Eubank, Acting City Manager
Jamie Heinz, City Clerk

3. Agenda Approval

MOTION:

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

Add to item D.1

Ordinance No. 3217-2021

- Amendment Memo

Add to item D.2

Ordinance No. 3219-2021

- Amendment Memo
- Supplemental Information

Add to item D.6

Resolution No. 2021-48

- Substitute Resolution
- Substitute Resolution Memo

Add to item I

Report of the Mayor

- Mayoral Letter Regarding FMP Regulations

Add to item J.3

City Clerk's Report

- Board of Adjustment Hearing Memo

Add to item O

Information Items

- Fourth of July Parade Results

Vice Mayor Molloy **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Council Member Glendening **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**. Council Member Glendening **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

Marian Nelson reported that the Kenai Fine Art Center reopening had been a success, and thanked the members of Council who attended the event. She explained what is needed to finish the remodeling, and what has already been spent on the work that has been done so far. She referred to a quote from Polar North Construction detailing the remaining costs, and asked Council to consider her request for more funds.

Patty See thanked the Council for serving the community, and discussed two issues that concerned her. First, she requested an annual report of the safety of the City's drinking water be sent out. Second, she expressed concern about beetle kill trees as fire hazards, and her hope that the City has developed a plan for mitigation.

D. PUBLIC HEARINGS

1. **Ordinance No. 3217-2021** - Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Mayor Gabriel, Vice Mayor Molloy, Council Member Winger)
[Clerk's Note: At the June 16th Meeting, this Ordinance was Postponed to this Meeting; a Motion to Enact is On the Floor.]

Mayor Gabriel opened the floor for public comment.

Steven Rouse, Executive Director of Kenai Peninsula Housing Initiative, thanked Council for considering his proposal.

There being no one wishing to be heard, the public comment period was closed.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3217-2021 by adding the sixth whereas clause; "WHEREAS, the Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on June 23, 2021; and". Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

VOTE ON MAIN MOTION AS AMENDED:

YEA: Gabriel, Pettey, Knackstedt, Glendening, Molloy, Winger, Askin
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3219-2021** - Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 01 035) to Triumvirate Theatre for the Development of a Theatre Facility. (Administration)
[Clerk's Note: At the June 16th Meeting, this Ordinance was Postponed to this Meeting; a Motion to Enact is On the Floor.]

Mayor Gabriel opened the floor for public comment.

Steven Rizzo thanked Council for considering this donation. He described how the presence of the theatre in Kenai could transform the community by nurturing youth and making an economic impact, and presented conceptual drawings and layouts included in the laydown.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend the legal description of Ordinance No. 3219-2021 in both the Title and Section 2 to Tract 4A, Baron Park 2020 Replat. Council Member Winger **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance 3219-2021 by adding the sixth whereas clause; "WHEREAS, the Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on June 23, 2021; and". Council Member Winger **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

VOTE ON MAIN MOTION AS AMENDED:

YEA: Pettey, Knackstedt, Glendening, Molloy, Winger, Askin, Gabriel
NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3225-2021** - Accepting and Appropriating a Go Further Fund Building Capacity Grant from Meals on Wheels America for the Kenai Senior Center's Ability to Meet the Increased Need Brought on by COVID-19, Expanding Comprehensive Services and Drive Innovation in the Areas of Nutrition and Socialization. (Administration)
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Adoption (Requires Five Affirmative Votes)

MOTION FOR INTRODUCTION:

Vice Mayor Molloy **MOVED** to introduce Ordinance No. 3225-2021 and Council Member Askin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

MOTION FOR SECOND READING:

Vice Mayor Molloy **MOVED** to hold a second reading of Ordinance No. 3225-2021 and Council Member Askin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

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

MOTION FOR ENACTMENT:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3225-2021 and Council Member Askin **SECONDED** the motion.

VOTE ON MOTION TO ENACT:

YEA: Knackstedt, Glendening, Molloy, Winger, Askin, Gabriel, Pettey

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution No. 2021-46** - Adopting Joint Resolution No. 2021-001 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of Homer, Kenai, Seldovia, Seward and Soldotna Respectively, for the Purpose of Intergovernmental Administration of Borough and City Elections. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-46 and Vice Mayor Molloy **SECONDED** the motion.

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

Clarification was provided that this agreement makes official the collaboration between the Borough and the City which has been past practice in regards to elections, but using Borough equipment instead of State-owned equipment, allowing for voters to have a similar voting experience. It was noted that ADA equipment would be placed at each precinct, that the Borough would program the equipment, the Borough's Canvass Board tests the equipment, and the Borough would also be enacting ordinances regarding their policies for security and logic and accuracy testing.

There was discussion regarding the voting system that the Borough had purchased.

Clarification was provided that the new costs of this agreement were for ballot programming, logic and accuracy testing, and voter pamphlet pages; noted that the increases were not significant and had been budgeted for.

VOTE:

YEA: Glendening, Molloy, Winger, Askin, Gabriel, Pettey, Knackstedt

NAY:

MOTION PASSED UNANIMOUSLY.

5. **Resolution No. 2021-47** - Accepting Coronavirus State and Local Fiscal Recovery Funds Award to Non-Entitlement Units of Local Government from the State Of Alaska Department of Commerce, Community and Economic Development. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2021-47 and Council Member Knackstedt **SECONDED** the motion.

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

Clarification was provided that this resolution was required by the State in order to meet the federal guidelines for receiving ARPA funds which gave the City the ability to negotiate the grant agreements. It was noted that once the final amount was known Administration would bring back an ordinance for appropriation of the funds.

A brief explanation was given for some of the differences between ARPA and CARES Act funds, noting the eligible expenditures were different.

UNANIMOUS CONSENT was requested.

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

6. **Resolution No. 2021-48** - Authorizing a Service Agreement for the Personal Use Fishery Dumpsters and Portable Restrooms. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2021-48 and Council Member Glendening **SECONDED** the motion.

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

MOTION TO AMEND BY SUBSTITUTE:

Vice Mayor Molloy **MOVED** to amend Resolution No. 2021-48 by Substitute. Council Member Knackstedt **SECONDED** and requested **UNANIMOUS CONSENT.**

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

It was noted that Alaska Waste did not submit a bid.

VOTE:

YEA: Winger, Askin, Gabriel, Pettey, Knackstedt, Glendening, Molloy

NAY:

MOTION PASSED UNANIMOUSLY.

7. **Resolution No. 2021-49** - Authorizing A Contract Award to Supply Operational Chemicals for the City's Water Treatment and Wastewater Treatment Facilities. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-49 and Council Member Askin **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

8. **Resolution No. 2021-50** - Authorizing a Service Contract Extension to Provide Refueling Services for City Facility Fuel Tanks. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-50 and Council Member Askin **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

Clarification was provided that the largest use for this contract was for airport snow removal; also provided fuel for backup generators at all City facilities.

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

9. **Resolution No. 2021-51** - Amending the Schedule of Rates, Charges, and Fees to Incorporate Changes to Facility Rental Gym Fees at the Kenai Recreation Center. (Administration)

MOTION:

Council Member Askin **MOVED** to adopt Resolution No. 2021-51 and Council Member Winger **SECONDED** the motion.

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

Clarification was provided that the biggest user group was the Boys & Girls Club indoor soccer and basketball; other frequent users included Kenai Little League, Kenai Central High School basketball, and Kenai Middle School. All of the groups noted qualified as non-profit youth athletic programs that could use the facilities for free.

UNANIMOUS CONSENT was requested.

It was noted that City employees and anyone under the age of 18 could use the gym for free.

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

- 10. Resolution No. 2021-52** - Opposing Amendment 14 to the Fishery Management Plan for Salmon Fisheries in the EEZ Off Alaska. (Mayor Gabriel and All Council Members)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2021-52 and Council Member Pettey **SECONDED** the motion.

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

Council and Administration were thanked for putting together a strong resolution that provides a succinct message on the City's stance on this issue. Support was expressed for the resolution, and it was noted that the loss of the fisheries would also be harmful to many citizens. Clarification was provided on how this resolution will be submitted as public comment.

VOTE:

YEA: Molloy, Winger, Askin, Gabriel, Pettey, Knackstedt, Glendening
NAY:

MOTION PASSED UNANIMOUSLY.

E. MINUTES

1. *Regular Meeting of June 16, 2021. (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS

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. 3221-2021** - Determining that Real Property Described as Lot 4A, Block 3, Cook Inlet Industrial Air Park 2014 Replat, According to Plan No. 2014-21, City-Owned Airport Land Located Outside the Airport Reserve, is Not Needed for a Public Purpose and Authorizing the Sale of the Property to Schilling Rentals, an Alaska Partnership. (Administration)

Introduced by the consent agenda and Public Hearing set for August 4, 2021.

4. ***Ordinance No. 3222-2021** - Determining that Real Property Described as Lot 1A, Block 1, Deshka Subdivision, According to Plat No. K-1577, City-Owned Airport Land Located Outside the Airport Reserve, is Not Needed for a Public Purpose and Authorizing the Sale of the Property to Schilling Rentals (2016), LLC. (Administration)

Introduced by the consent agenda and Public Hearing set for August 4, 2021.

5. ***Ordinance No. 3223-2021** - Increasing Fiscal Year 2021 Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)

Introduced by the consent agenda and Public Hearing set for August 4, 2021.

6. ***Ordinance No. 3224-2021** - Repealing and Reenacting Kenai Municipal Code Title 6 - Elections, to Provide Clarity, Housekeeping, and Process Improvements. (Vice Mayor Molloy and City Clerk)

Introduced by the consent agenda and Public Hearing set for August 4, 2021.

7. **Action/Approval** - Resume Normal Seating in Council Chambers for All Council and Commission Meetings. (City Clerk)

Clarification was provided that a poll was taken among Council members who unanimously agreed to return to dais seating. It was noted that the City of Soldotna had recently returned to normal pre-COVID seating for the public, and the Council agreed without objection to do the same.

8. **Action/Approval** - Public Participation by Zoom for Council and Commission Meetings. (City Clerk)

Clarification was provided that the Cities of Soldotna and Seward chose not to continue Zoom for public meetings. It was noted that City of Kenai Council and Planning & Zoning Commission meetings are livestreamed through YouTube, which makes it viewable to the public but does not allow for remote participation.

The Council discussed removing Zoom from public meetings, and it was noted that Zoom allows for more access to meetings for people who cannot come in person. Preference was expressed for in-person participation, especially for adjudicatory meetings. Discussion included the possibility for a remote participation of Scheduled Public Comment presenters through Zoom, and other options for people to submit public comment or view meetings.

MOTION:

Vice Mayor Molloy **MOVED** to approve public participation by Zoom for Council and Commission meetings, excluding adjudicatory meetings, until the City's contract with Zoom expires in March 2022. Council Member Winger **SECONDED** the motion.

The topic of transparency and whether or not Zoom affected it was considered.

VOTE:

YEA: Winger, Askin, Gabriel, Pettey, Glendening, Molloy
NAY: Knackstedt

MOTION PASSED.

9. **Discussion** - Introduction of Kenai Waterfront Revitalization and Economic Development Incentives and Request to Schedule a Work Session. (Administration)

Clarification was provided that the memo in the packet explained Administration's development of different economic programs in the City and tools identified as potentially useful for those programs. It specifically addressed ideas about Kenai waterfront revitalization and requested a work session to discuss it with the intent to commission a feasibility study. It was suggested to get input from commissions and committees. Administration clarified that they intended to involve the general public and private waterfront property owners in the discussion about development in this area to receive their feedback as well.

Council agreed to schedule a work session on August 4, 2021 prior to the regular meeting of the City Council.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – No report. Next meeting July 8, 2021.
2. Airport Commission – No report. Next meeting August 12, 2021.
3. Harbor Commission – No report. Next meeting August 9, 2021.
4. Parks and Recreation Commission – Council Member Winger noted the installation of boot brushes at trails around the city. Next meeting August 5, 2021.
5. Planning and Zoning Commission – Council Member Glendening reported on the work session and meeting of June 23, 2021. Next meeting July 14, 2021.
6. Beautification Committee – Council Member Askin noted that the committee has scheduled their garden tour for Tuesday, August 10, 2021. Next meeting September 14, 2021.
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 him while he was on vacation;
- Attended the 4th of July parade, and noted that he regretted that the event had been cancelled in 2020 due to COVID-19. Appreciated the turnout from the public and felt pride in seeing that our community celebrate;

- Thanked Patty See for her public testimony.

J. ADMINISTRATION REPORTS

1. City Manager – Acting City Manager Eubank reported on the following:
 - Saturday is first day of the 2021 personal use fishery, and preparations are underway.
2. City Attorney – No report.
3. City Clerk – City Clerk Heinz reported on the following:
 - All memorial plaque spaces at the Leif Hanson Memorial Park have been sold as sales have significantly increased from previous years;
 - The cemetery currently has only eight casket plots available;
 - Public Records requests have also increased significantly;
 - City Council Candidate filing begins August 1st;
 - August 4, 2021 is the last date for approving legislation putting propositions on the ballot;
 - A Board of Adjustment appeal has been filed for a Planning & Zoning Commission decision to approve a Conditional Use Permit for a firewood bundling business.

Council agreed to schedule the Board of Adjustment hearing for August 16, 2021 at 6:00 PM.

K. ADDITIONAL PUBLIC COMMENT

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

Council Member Askin noted that she listened to the Planning & Zoning work session on June 23rd and learned a lot. Attended the 4th of July parade and got to be a judge for the parade, and noted that it was great to see so many people out and about. She stated that with her Council seat expiring this year, she intends to run for re-election.

Council Member Glendening stated that he also attended 4th of July parade, and noted that the dog park group had an excellent display and the park will be a great destination in our City for pet owners.

Council Member Pettey said she is thankful for Art Center reopening and looks forward to seeing their first show, and mentioned the upcoming September Harvest Art Auction. She participated in the 4th of July parade, and noted that it was wonderful to see the community participating and celebrating our freedoms.

Council Member Winger shared that she recently toured the state with her family and received feedback tourists about their views of the Kenai area, which revealed some of Kenai's strengths and weaknesses. She noted that in many towns there were not booklets for the Kenai Peninsula, and that we should try to place more promotional materials around the state.

Vice Mayor Molloy noted that he attended the Fine Arts Center reopening event, and they did fantastic job. He was a parade judge on the 4th of July, and reported on the award winners. He discussed the Title VI ordinance that was introduced, noting that the effective date is January 1, 2022 so it would not be in effect for the upcoming October election. Stated that he intends to bring forward two resolutions at the next Council meeting related to ballot propositions. He announced that he does not intend to run for re-election of his Council seat this year.

Council Member Knackstedt noted that he also went to the Kenai Fine Arts Center reopening event and got a tour of the building, and also participated as a judge in 4th of July parade. He stated that Council Member Molloy will be missed and his contributions have been valuable on the Council, and he is glad to hear that Council Member Askin is re-running for her Council seat this fall.

L. EXECUTIVE SESSION

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000

There being no further business before the Council, the meeting was adjourned at 8:26 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of July 7, 2021.



Jamie Heinz, MMC
City Clerk

