



#### 4. Consent Agenda

##### **MOTION:**

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**. Council Member Askin **SECONDED** the motion.

Council Member Glendening requested that item G.2., Approval of Purchase Orders over \$15,000, be removed from the consent agenda.

The remaining 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. 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)

##### **MOTION:**

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3221-2021 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.

##### **MOTION TO AMEND:**

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3221-2021 by adding the eighth whereas clause; "WHEREAS, the Planning and Zoning Commission recommended Council approve that the subject property is not needed for a public purpose and authorizing its sale at their meeting on July 14, 2021; and". Council Member Askin **SECONDED** the motion.

**MOTION TO AMEND THE AMENDMENT:**

Council Member Knackstedt **MOVED** to amend the amendment by replacing the word authorizing with the word authorize and Council Member Winger **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion to amend the amendment.

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

**UNANIMOUS CONSENT** was requested on the motion to amend.

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

Satisfaction with selling this property, which had been leased for many years, to private industry was noted; support was expressed for the sale of the property.

**VOTE ON MAIN MOTION AS AMENDED:**

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

NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **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)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3222-2021 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.

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend Ordinance No. 3222-2021 by adding the eighth whereas clause; "WHEREAS, the Planning and Zoning Commission recommended Council approve that the subject property is not needed for a public purpose and authorizing its sale at their meeting on July 14, 2021; and". Council Member Askin **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.**

3. **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)

**MOTION:**

Council Member Askin **MOVED** to enact Ordinance No. 3223-2021 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.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

4. **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)

**MOTION:**

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3224-2021 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.

Vice Mayor Molloy thanked the Clerk for her work on the ordinance; noted it was appropriate for a work session and a second public hearing to be held to provide for more discussion regarding the code rewrite. He also noted that the code rewrite sought to align with KPB procedures due to the transition to borough equipment, put past practice into code, include spelled out provisions instead of incorporating by reference, and a few changes being put forth such as allowances for poll watchers and the ability to cure.

Appreciation was expressed for the opportunity for a work session and a second public hearing.

**MOTION TO AMEND:**

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3224-2021 by inserting the word authorized in the blank in fourth whereas clause. Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

The attorney was asked to provide a sectional analysis table on the ordinance.

**MOTION:**

Council Member Pettey **MOVED** to schedule a work session for September 1, 2021 beginning at 4:00pm and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

**MOTION TO POSTPONE:**

Vice Mayor Molloy **MOVED** to postpone to the September 15 meeting and hold a second public hearing at that meeting. Council Member Winger **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

**VOTE ON MOTION TO POSTPONE:** There being no objection; **SO ORDERED.**

5. **Resolution No. 2021-53** - Authorizing the City Manager to Execute a Memorandum of Agreement with the State of Alaska Department of Transportation and Public Facilities for Design, Construction and Maintenance of the Kenai Bridge Access Road Pathway Project. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-53 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.

Enthusiasm was expressed regarding the completion of the project; hopeful that the Kenai River Marathon will again be able to certify as a qualifier marathon for the Boston Marathon.

The City Manager added that, in a more recent version of the agreement, an opportunity for the City to review design documents at certain points during the design was included.

Clarification was provided that the agreement included an indemnification clause which provided for 6 years which protected the City if there was negligence on the part of State.

**UNANIMOUS CONSENT** was requested.

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

**E. MINUTES**

1. \*Regular Meeting of July 7, 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)

Clarification was provided that the purchase order to Divining Point was authorized by Council in the budget and the scope of work still being developed. It was anticipated the work would be extending work, similar to what had been done in the past, to areas beyond the West Coast. Clarification was also provided that a presentation was planned for Council in September and a finalized scope of work would be brought forth as soon as it was completed.

**MOTION:**

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

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

3. \*Action/Approval - Non-Objection to Marijuana License Renewals for Red Run Cannabis Company, LLC, Red Run Cannabis Cultivators, LLC, and Cook Inlet Cannabis Company. (City Clerk)

Approved by the consent agenda.

4. \*Action/Approval - Special Use Permit to Kenai Chamber of Commerce & Visitor Center for Moosemeat John Cabin. (Administration)

Approved by the consent agenda.

5. \*Ordinance No. 3226-2021 - Increasing Fiscal Year 2021 Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)

Introduced by the consent agenda and Public Hearing set for August 18, 2021.

6. \*Ordinance No. 3227-2021 - Accepting and Appropriating a Grant from the U.S. Department of Homeland Security Passed Through the State of Alaska Department of Military and Veterans' Affairs, Increasing Estimated Revenues and Appropriations in the General Fund - Fire Department, and Authorizing the Sole Source Purchase of Portable Radios and Accessories for the Fire Department. (Administration)

Introduced by the consent agenda and Public Hearing set for August 18, 2021.

7. **\*Ordinance No. 3228-2021** - Increasing Estimated Revenues and Appropriations in the Airport Fund, Terminal Repair and Maintenance Department for Expenditures in Excess of Budgeted Amounts Related to Damage to Terminal Building Siding and Authorizing a Purchase Order to Blazy Construction, Inc. (Administration)

Introduced by the consent agenda and Public Hearing set for August 18, 2021.

8. **\*Ordinance No. 3229-2021** - Accepting a Grant from the Federal Aviation Administration and Increasing Estimated Revenues and Appropriations in the Airport Snow Removal Equipment Capital Project Fund. (Administration)

Introduced by the consent agenda and Public Hearing set for August 18, 2021.

9. **\*Ordinance No. 3230-2021** - Increasing Estimated Revenues and Appropriations in the General Fund - Fire Department for the Purchase of Extrication Equipment Needed to Provide Emergency Response to Motor Vehicle Accidents. (Administration)

Introduced by the consent agenda and Public Hearing set for August 18, 2021.

10. **\*Ordinance No. 3231-2021** - Increasing Estimated Revenues and Appropriations in the COVID-19 Cares Act Recovery Fund for a Federal Cares Act Grant Passed Through the State of Alaska Department of Public Safety for Overtime and Direct Expenditures of the Police, Fire, and Communications Departments of the City. (Administration)

Introduced by the consent agenda and Public Hearing set for August 18, 2021.

11. **\*Ordinance No. 3232-2021** - Increasing Estimated Revenues and Appropriations in the General Fund, Kenai Fine Arts Center Capital Project Fund and Amending the Lease for a Portion of Lot 3, Block 17, Original Townsite of Kenai for the Kenai Fine Arts Center to Provide Additional Funding for Improvements and Modifications Amendment to the Lease for the Kenai Fine Arts Center. (Administration)

Introduced by the consent agenda and Public Hearing set for August 18, 2021.

12. **Action/Approval** - Assignment and Assumption of Lease Agreement from Hilcorp Alaska, LLC to Kenai Beluga Pipeline, LLC. (Administration)

#### **MOTION:**

Vice Mayor Molloy **MOVED** to approve the Assignment and Assumption of Lease Agreement from Hilcorp Alaska, LLC to Kenai Beluga Pipeline, LLC. Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

#### **H. COMMISSION / COMMITTEE REPORTS**



1. Council on Aging – Council Member Pettey reported on the meeting of July 8, 2021. Next meeting August 12, 2021.
2. Airport Commission – No report. Next meeting September 9, 2021.
3. Harbor Commission – No report. Next meeting September 13, 2021.
4. Parks and Recreation Commission – Council Member Winger noted that the Parks and Recreation Commission and the Beautification Committee has scheduled their garden tour for Tuesday, August 10, 2021. Next meeting September 2, 2021.
5. Planning and Zoning Commission – Council Member Glendening reported on the meetings of July 14, 2021 and July 28, 2021. Next meeting August 11, 2021.
6. Beautification Committee – No report. Next meeting September 14, 2021.
7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Thanked everyone who attended the work session on waterfront revitalization; noting he looked forward to that process;
- The Kenai Peninsula Hockey Association squirt hockey team won the state tournament;
- COVID cases were increasing and encouraged mitigation techniques such as washing hands often and being on guard as far as personal hygiene.

**J. ADMINISTRATION REPORTS**

1. City Manager – City Manager Ostrander reported on the following:
  - The personal use fishery went smoothly noting there was good participation this year; dipnet report will be published in same general timeframe as usual;
  - Hired a grant writer and is looking forward to that work beginning;
  - Noted that despite COVID numbers being up considerably he had no plans to change operations in city facilities; five employees were out COVID positive which was higher than any other time to date;
  - Reminded Council of the ribbon cutting ceremony at the Airport was scheduled for Friday, August 6<sup>th</sup> at noon;
  - The infrastructure bill in congress provided a significant amount of money on coastal projects and the Bluff Erosion Project would likely be funded which meant that archive data was being collected and other data was being sifted through to determine what additional information needed to be obtained; added that our efforts needed to double regarding how to schedule and structure the local match.
  - The Kenai Peninsula Borough was drafting joint resolution to put forth to the Cities for support for their grant for Spruce Bark Beetle mitigation.
2. City Attorney – No report.



3. City Clerk – City Clerk Heinz reported on the following:
  - Candidate filing period opened; no applicants to date.

**K. ADDITIONAL PUBLIC COMMENT**

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

Council Member Askin had no comments.

Council Member Winger shared an invite she had received to welcome Lydia Jacobs back home in Seward; She thanked those that attended the work session; noted school was back in session beginning August 17<sup>th</sup>; and encouraged everyone to be bear aware.

Council Member Glendening noted reports of dramatic incidents during the personal use fishery and encouraged increased patrols and inviting the US Coast Guard to also patrol; asked if Administration could visit with management of Walmart due to the empty shelves in the store; and noted the dog park initiative was going well and asked council members to donate to the park.

Council Member Pettey expressed gratitude for the successful personal use fishery recognizing the trooper and Good Samaritan who rescued a boy who had been swept away by the river current; thanked administration and public participation in the work session regarding waterfront revitalization; and loved the concept of making the right turn to Kenai for its stellar view.

Vice Mayor Molloy noted he was regrettably unable to attend the ribbon cutting ceremony at the airport but noted it was fantastic that the project was completed and that it looked good; noted a proclamation given to the squirt hockey team by Representative Gillham while he was acting Mayor adding that Coach McGlasson missed Mayor Gabriel because Mayor Gabriel was Coach McGlasson's coach in the past; passed on appreciation for the multi-purpose facility remaining open during the pandemic; noted the work session was limited to waterfront revitalization and looks forward to other economic development incentives administration was working on; explained propositions he was working on but ultimately decided to not put forth; and noted upcoming work on Conditional Use Permit criteria ordinance.

Council Member Knackstedt noted a lot of cool things were happening; looking forward to the ribbon cutting ceremony at the airport adding that the old airport terminal still existed, it was the AMVETS; noted another big airport project coming up was the runway repaving; looking forward to the potential waterfront revitalization; and thought the news was great regarding the Bluff Erosion Project.

**L. EXECUTIVE SESSION**

1. Review and Discussion of the Terms of Employment Agreement for the City Clerk which, Pursuant to AS 44.62.310(c)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk.

**MOTION:**

Vice Mayor Molloy **MOVED** to enter into executive session to review and discuss the Terms of Employment Agreement for the City Clerk which, pursuant to AS 44.62.310(c)(2) may be a subject that tends to prejudice the reputation and character of the City, requested the attendance of City Clerk, Jamie Heinz, as needed. Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

Council reconvened in open session and it was noted for the record that Council met in executive session and reviewed and discussed the City Clerk's Terms of Employment Agreement with the City Clerk.

**M. PENDING ITEMS** – None.

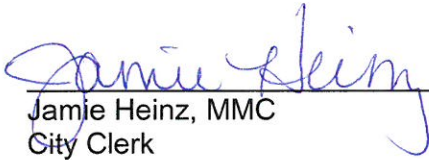
**N. ADJOURNMENT**

**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 8:49 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of August 4, 2021.

  
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Jamie Heinz, MMC  
City Clerk

