

**KENAI CITY COUNCIL – REGULAR MEETING
DECEMBER 1, 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 December 1, 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	James Baisden
Henry Knackstedt	Tea Winger
Deborah Sounart	Glenese Pettey
Jim Glendening	

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager
Scott Bloom, City Attorney
Terry Eubank, Finance Director
Jamie Heinz, City Clerk

3. Agenda Approval

MOTION:

Mayor Gabriel noted the following additions to the packet:

- | | |
|------------------|---|
| Add to item D.1. | Ordinance No. 3254-2021 <ul style="list-style-type: none">• Written Public Comment |
| Add to item D.5. | Resolution No. 2021-70 <ul style="list-style-type: none">• Written Public Comment |
| Add to item G.3. | Ordinance No. 3257-2021 <ul style="list-style-type: none">• Written Public Comment |

Add to item G.6.

Ordinance No. 3260-2021

- Written Public Comment

Add to item G.7.

Land Management Plan Discussion

- Email from City Manager
- Written Public Comment

Add item O.5.

Information Items

- Letter Regarding Halibut Abundance-Based Management

Mayor Gabriel noted that Joy Merriner was delayed, and asked that the order of item B. Scheduled Public Comments be adjusted on the agenda to accommodate her arrival.

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions, and Council Member Pettey **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

4. Consent Agenda

MOTION:

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

The items on the Consent Agenda were read into the record.

Mayor Gabriel opened the floor for public comment.

Jane Fuerstenau, president of the Friends of the Kenai Library and Library Director from Kenai Peninsula College, pointed out the library has already been selected to receive grant with no specific list of required titles. She noted that the mission of the agency providing the grant is to foster health literacy and public health through resources and training, and expressed skepticism of why there would be caution for accepting the grant. She discussed the term equity, noting it means providing updated health resources to community members regardless of their financial or geographic limitations.

Marian Nelson expressed her support for the Library and agreed with Jane Fuerstenau's comments. She explained that there is a mural show at the Fine Arts Center and encouraged everyone to visit.

Dave Peck noted that the word equity is a loaded political term used in pursuit of social justice and encouraged the Council to exercise caution accepting any grants that are based on the goal of equity.

Susan Smalley discussed the word equity, noting that can be a dog-whistle term and disagreed that it is something people should be afraid of; noted that her family has participated in library activities for years and that the library never forces you to take books. She discussed how the City Council has a lot of issues to address and choosing library books should not be their priority.

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. **Joy Merriner, BDO USA, LLP** - Presentation of the FY2021 City of Kenai Annual Comprehensive Financial Report, Federal and State Single Audit Reports, and Audit Wrap Up.

[Clerk's Note: This item was delayed for arrival of the speaker.]

C. UNSCHEDULED PUBLIC COMMENTS

Robert Ruffner spoke as a representative of Alaska Salmon Alliance about the UCIDA letter regarding the Cook Inlet fishery closure. Explained the legal background for the closing of the EEZ and the timeframe for engagement in upcoming legal action.

Tim Dillon, Executive Director of Kenai Peninsula Economic Development District, explained that they will be holding their annual Industry Outlook Forum in January, which would be a full day of discussion and presentations about current trends in the local economy; noted the speakers and presentations and encouraged everyone to attend.

SCHEDULED PUBLIC COMMENTS

1. **Joy Merriner, BDO USA, LLP** - Presentation of the FY2021 City of Kenai Annual Comprehensive Financial Report, Federal and State Single Audit Reports, and Audit Wrap Up.

[Clerk's Note: This item was delayed for arrival of the speaker.]

Joy Merriner reported on the FY21 Audit Wrap-up document, the Single Audit Report, and the Comprehensive Annual Financial Report (CAFR) noting her firm, BDO USA, LLP, issued unmodified, clean opinions, meaning the City followed the adopted standards for governmental agencies. She explained that there was a lot of work this year auditing the CARES funding and Airport Improvement Program; noted that as always, the City's financial team is very cooperative and there were no misstatements that needed to be corrected.

D. PUBLIC HEARINGS

1. **Ordinance No. 3254-2021** - Amending Kenai Municipal Code Section 14.05.025 – Telephonic Participation at Planning and Zoning Commission Meetings, to Provide

for Remote Electronic Participation in Planning and Zoning Commission Meetings by Commission Members. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance 3254-2021 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.

It was noted the Clarion article on this ordinance was appreciated. It was clarified that it is consistent with the changes made to code on Council's electronic participation, and that the Planning & Zoning Commission approved it unanimously.

VOTE:

YEA: Gabriel, Glendening, Pettey, Baisden, Sounart, Winger, Knackstedt
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3255-2021** - Accepting and Appropriating Grants from the U.S. Department of Homeland Security Passed Through the State of Alaska Department of Military and Veterans' Affairs for the Purchases of Public Safety Radios for Police, Fire, and Communications Departments. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3255-2021 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.

Clarification was provided that Kenai Police Department (KPD) has been seeking grants to replace radios for several years as their current radios are becoming obsolete due to new standards. When the radio project is finished the system will serve the department for at least fifteen years; KPD plans to maintain at least one legacy police and one fire radio system.

VOTE:

YEA: Glendening, Pettey, Baisden, Sounart, Winger, Knackstedt, Gabriel
NAY:

MOTION PASSED UNANIMOUSLY.

3. **Resolution No. 2021-68** - Authorizing a Budget Transfer in the CARES Act Recovery Fund, First Responder and Incident Management Team Payroll, CARES Act Administration and Non-payroll, and Individual Assistance Grants Departments. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-68 and Vice Mayor 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.

VOTE:

YEA: Pettey, Baisden, Sounart, Winger, Knackstedt, Gabriel, Glendening

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution No. 2021-69** - Approving the Execution of a Lease of Airport Fund Lands Using the Standard Lease Form Between the City of Kenai and Integrated Account Management, Inc. on Lot 3, Block 3, Cook Inlet Industrial Air Park Subdivision. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-69 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 it conformed with Title 21.

UNANIMOUS CONSENT was requested.

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

5. **Resolution No. 2021-70** - Opposing Government Mandates Requiring Vaccines and Face Coverings Related to COVID 19. (Council Members Baisden and Winger)

MOTION:

Council Member Baisden **MOVED** to adopt Resolution No. 2021-70 and Council Member Sounart **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Garrett Ennis stated his support for the resolution because it reinforces idea of freedom and liberty for each individual to choose, and noted that information about vaccine injury is censored. He suggested a change of language so that government mandates not be enforced. Addressed public comments in the laydown, disagreeing that it is divisive and ineffective. Noted it is important that we stand for God-given rights.

Susan Smalley drew comparisons between smoking and COVID-19, noting that there are restrictions on smoking because it affects people around the smoker, and the effects of COVID-19 crosses over between people and affects them; explained how unvaccinated people have led to overcrowding in hospitals resulting in delays to the medical needs of others. She noted that the spread of COVID-19 has hurt businesses and suggested a workplace losing their ability to require masks or vaccination seems like government overreach.

Queen Parker expressed support for the resolution noting she stands for liberty and freedom. She expressed skepticism about vaccines. She stated that mandates stand in the way of individual freedom, and that masks conceal identity and restrict breathing.

Margaret Gilman spoke in opposition to the resolution, and reiterated Susan Smalley's example of smoking restrictions as a positive government intervention for public safety. She encouraged the Council to oppose the resolution because there are no current federal mandates outside the airport and this resolution will not supersede federal law. She noted this divides the community because people have strong opinions about masking and vaccines, and this resolution makes the pandemic a political issue when it should be about people.

Bobby Jollicki spoke in favor of the resolution because she supports people being able to make their own choice and freedom of choice is paramount. She states that she has a hard time hearing people who are wearing masks, and she wants people to be able to smile and see each other; noted that she knows of seventeen people who have died from COVID-19 after receiving the vaccine, including her mother.

Barbara Christian spoke in opposition to the resolution, noting that she has had freedom while wearing a mask, but feels she has had her freedom limited by people who do not wear masks and are not vaccinated. She stated that freedom goes both ways, and some people believe that freedom lies in following mandates and suggested public health measures.

Christine Hutchison spoke in favor of the resolution. She expressed concern for the future, stated that she will not comply with mandates, and expressed doubt about the vaccine. She said this resolution will make a statement for this community, and that we have to take a stand.

Alice Heckert stated she supported the resolution, discussed the importance of personal responsibility and freedom, and shared and her family's experience with COVID-19. She stated that the resolution gives people the ability to choose.

Dave Peck shared that he is vaccinated but that he wouldn't want others ordered to do that, that this resolution would make a statement and be a step to support freedom.

Cathy Medcoff stated that she supports the resolution and thanked the Council for bringing it forth. She said there is no reason to wait on making this statement, and we need to be ready. She expressed skepticism of the vaccine, and that we will lose our freedom and our lives if we are not careful.

Ken Brown noted that he had heard some inaccuracies from the public, noting that the vaccine does not provide immunity and that it may provide people with a false idea that they are immune and cannot spread the virus; expressed support for the resolution noting that it sends a message.

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

MOTION TO AMEND:

Council Member Baisden **MOVED** to amend Resolution No. 2021-70 by deleting “as a condition of employment” from the 3rd WHEREAS. Council Member Winger **SECONDED** the motion.

Clarification was provided that this phrase would be left in Section 1.

UNANIMOUS CONSENT was requested.

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

It was stated that the goal of this resolution was to make a statement at the local level, in preparation for possible implementation of federal mandates. The Council discussed how the City has made every effort to make vaccines available, has been consistent about providing freedom of choice to its residents and this sends the message in support of that. It was noted that when doctors are fearful this may limit people’s freedom to receive services. It was stated that this resolution is not meant to be divisive but an opportunity to uphold personal liberty and freedom of choice, and allows people to follow their conscience.

Discussion involved if federal law supersedes the City, what passing this resolution would accomplish and how it would move the city forward. It was reiterated that the primary accomplishment would be sending a message about protecting residents from federal mandates. Clarification was provided that businesses would still have the right to implement their own rules.

The Council reviewed how they have responded to the COVID-19 pandemic over the past two years, and discussed the efficacy of mandates and the vaccine.

An explanation was provided on how City facilities have responded to COVID-19 rates through implementation and removal of onsite mask policies, and it was clarified that the intent was to not have mandates in place. Clarification was provided that facilities are administered by City Manager who works for the Council.

VOTE:

YEA: Sounart, Winger, Knackstedt, Gabriel, Glendening, Pettey, Baisden

NAY:

MOTION PASSED UNANIMOUSLY.

E. MINUTES

1. *Regular Meeting of November 3, 2021. (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. ***Ordinance No. 3256-2021** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Funds, Authorizing the Acceptance of a Grant from the Federal Aviation Administration for the Kenai Municipal Airport Sand Storage Facility Construction Phase II, and Authorizing a Budget Transfer in the Airport Improvements Capital Project Fund – Kenai Municipal Airport Sand Storage Facility Project to Facilitate the Return of Funds Advanced from the Airport Special Revenue Fund. (Administration)

Introduced by the consent agenda and Public Hearing set for December 15, 2021.

3. ***Ordinance No. 3257-2021** - Accepting and Appropriating a Collection Equity Award from the Network of the National Library of Medicine Region 5 for the Purchase of Health and Wellness Titles for the Kenai Community Library Collection. (Council Members Knackstedt and Pettey)

Introduced by the consent agenda and Public Hearing set for December 15, 2021.

4. ***Ordinance No. 3258-2021** - Accepting and Appropriating Funding from the State of Alaska Department of Health and Social Services, Division of Public Health, for the Healthy and Equitable Communities Program, and Authorizing the City Manager to Execute a Memorandum of Agreement for this Funding. (Administration)

Introduced by the consent agenda and Public Hearing set for December 15, 2021.

5. ***Ordinance No. 3259-2021** - Increasing Estimated Revenues and Appropriations in the General and Municipal Roadway Improvement Capital Project Funds, and Increasing a Purchase Order to Foster's Construction for the 2021 Bryson Ave Bluff Erosion Repair Project. (Administration)

Introduced by the consent agenda and Public Hearing set for December 15, 2021.

6. ***Ordinance No. 3260-2021** - Amending Kenai Municipal Code 13.40.010-Definitions, to Maintain Current Regulations on Off-Road Vehicle Use in Kenai After January 1, 2022. (Council Member Knackstedt)

Introduced by the consent agenda and Public Hearing set for December 15, 2021.

7. **Discussion** - Land Management Plan Commission Consideration Changes. (Vice Mayor Glendening and Council Member Winger)

It was clarified that the purpose of the discussion was to provide direction for the City's commissions and committees regarding their discussion of the Land Management Plan (LMP), in response to comments about how they should manage their review when it contains a large amount of maps and information. The proposed plan for breaking up the LMP and staggering the presentations among separate meetings for each commission/committee was explained. It was also noted that in addition to this plan, further information regarding the City's Land Use Table, Titles 21 and 22, and LMP recommendation definitions and examples could be provided to the commissioners and committee members.

There was no objection and Mayor Gabriel invited the Planning and Zoning Commissioners in the audience to give feedback.

Jeff Twait, Chair of Planning & Zoning Commission, expressed that the commission had been encouraged to take their time and he had initially agreed with that. He noted that the commission had already done a lot of work on the LMP. He stated that he supported postponing to get more public comment but felt the commission was nearly ready to make their recommendations. He agreed that some other commissions may require more time to understand, but Planning & Zoning was very familiar with this subject matter.

Alex Douthit, Planning & Zoning Commissioner, expressed that there were misconceptions about why there had been fewer comments about the LMP than expected; the draft LMP had been available to the commissions and public for months, and it was possible that they didn't have comments. He noted that it was primarily a tool and did not set forward a plan that was set and stone. He noted that the commission could break it down and postpone approval for months, but if the commissions are able to approve it sooner they should be able to do so. His main reason for continuing to postpone was to provide more opportunity to receive public comments.

Council Members discussed their experience sitting as liaisons during commission meetings. Discussion involved how the suggested new schedule differed from the original rollout of the LMP to commissions, and whether the Planning & Zoning Commission could or should approve their resolution prior to the other commissions. It was noted that the commissions have had months to read and digest the LMP materials.

The Council determined that a document clarifying the Land Use Table, Titles 21 and 22, and LMP definitions would be provided to the commissions, and they would continue to pace themselves as they have been.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – Council Member Knackstedt reviewed the actions of the November 10, 2021 meeting. Next meeting January 13, 2021.
2. Airport Commission – Council Member Baisden reviewed the actions of the November 9, 2021 meeting. Next meeting December 9, 2021, noted he would not be able to attend and Council Member Knackstedt would take his place.
3. Harbor Commission – Council Member Pettey reviewed the actions of the November 8, 2021 meeting. A special meeting will be held in January.
4. Parks and Recreation Commission – Council Member Winger reported on the actions of the November 4, 2021 meeting. Next meeting on January 6, 2022 will be a joint meeting with the Beautification Committee.
5. Planning and Zoning Commission – Council Member Winger reviewed the actions of November 10, 2021 meeting. Next meeting December 8, 2021.

6. Beautification Committee – Council Member Sounart reviewed the actions of the November 4, 2021 meeting. Next meeting December 14, 2021.
7. Mini-Grant Steering Committee – Mayor Gabriel reported on the meeting of November 5, 2021.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Thanked Vice Mayor Glendening for attending the Senior Center’s 50th anniversary;
- Attended Alaska Municipal League virtually, and Alaska Conference of Mayors in-person;
- Submitted an application for the Coastal Community Mayor seat on the Alaska Bycatch Review Task Force;
- Attended Christmas Comes to Kenai;
- Noted the UCIDA letter in the packet, will be on the agenda for the next Council meeting;
- Thanked Finance Director Eubank for his work on the audit.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:
 - City League Basketball will be starting in January 2022 for the first time in 18 years;
 - Saturday is annual Shop with a Cop event;
 - Kenai City Hall participating in Mountain View Elementary Christmas Drive;
 - Kenai Fire Department and Police Department participated in a tabletop exercise with CINGSA;
 - Bluff project update: still on schedule to receive 35% of documents by the end of the month. Hope to see Infrastructure Bill funding in the next few months.
2. City Attorney – City Attorney Bloom reported on the following:
 - Hosted annual Alaska Municipal Attorney’s Association conference, thanked Council for support and noted the hard work of Legal Assistant Cindy Herr.
3. City Clerk – City Clerk Heinz reported on the following:
 - Attended the annual Alaska Association of Municipal Clerk’s conference, thanked Council for their support.

K. ADDITIONAL PUBLIC COMMENT

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

Jeff Twait extended an offer to have Planning & Zoning Commission members provide help to other City commissions and committees with their Land Management Plan discussion, and noted that it will be discussed at their next meeting.

2. Council Comments

Council Member Pettey noted that she attended Christmas Comes to Kenai, and the 50th Anniversary celebration of the Kenai Senior Center. Thanked Finance Director Eubank and staff for the audit and their work in the Finance Department, and thanked the Streets staff for maintaining the roads this winter. Also noted that she attended AML. Noted the upcoming Relay for Life ski event at the Kenai Golf Course.

Vice Mayor Glendening noted that he attended Christmas Comes to Kenai, and the 50th Anniversary celebration of the Kenai Senior Center.

Council Member Sounart noted that she attended Christmas Comes to Kenai, and the 50th Anniversary celebration of the Kenai Senior Center. Thanked the public for their attendance and discussion tonight.

Council Member Winger noted that she attended Christmas Comes to Kenai, and volunteered for Santa Comes to Kenai. Thanked Finance Director Eubank and staff for his work on the audit. Noted she is excited to hear about City League Basketball, and congratulated the Kenai volleyball team for coming in 2nd at State. Noted she will be camping this winter and will notify Council when she will be off-grid. Will be attending swim meet in Seward. Appreciated comments and discussion tonight.

Council Member Baisden thanked the public for their discussion tonight. Recognized the Kenai volleyball team, thanked Administration for their time meeting with him, and thanked Knackstedt for filling in for him on Airport Commission.

Council Member Knackstedt attended the Alaska Municipal League conference, recognized Terry Eubank for being elected President of the AML Investment Pool; noted Attorney Bloom is President of AMAA and gave a presentation at AML. Enjoyed the Senior Center 50th Anniversary. Thanked Eubank for his leadership in Finance Department. Spoke of his time participating in marching band in past years.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS**

1. **Resolution No. 2021-64** - Awarding an Agreement for the Kenai Waterfront Redevelopment Assessment and Feasibility Study. (Administration) [**Clerk's Note:** At the November 3, 2021 Meeting, this item was Postponed to the December 15, 2021 Council Meeting; a motion to enact is on the floor.]

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000
2. Dog Park Update from Pat Porter

3. Kenai Historical Society Newsletter - 12/2021
4. United Cook Inlet Drift Association Statement on the Cook Inlet Fishery Closure.

There being no further business before the Council, the meeting was adjourned at 10:37 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of December 1, 2021.



Jamie Heinz, MMC
City Clerk

