

**KENAI CITY COUNCIL – REGULAR MEETING
SEPTEMBER 15, 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 September 15, 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	Robert Molloy
Henry Knackstedt	Teea Winger
Jim Glendening	Glenese Pettey
Victoria Askin	

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager
Scott Bloom, City Attorney
Jamie Heinz, City Clerk

3. Agenda Approval

MOTION:

Mayor Gabriel noted the following additions to the packet:

- | | |
|------------------|--|
| Add to item D.1. | Ordinance No. 3224-2021 <ul style="list-style-type: none">• Amendment Memo |
| Add to item D.7. | Ordinance No. 3243-2021 <ul style="list-style-type: none">• Public Comments |
| Add to item D.8. | Ordinance No. 3245-2021 <ul style="list-style-type: none">• Amendment Memo |
| Add to item J.1. | City Manager's Report |

- Auction Memo

Add to item O.

Information Items

- Cook Inlet Regional Citizen's Advisory Council Director's Report

Vice Mayor Molloy **MOVED** to approve the agenda with item D7 moved to D1 and the rest of the agenda renumbered and adding the requested revisions 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

1. Coy West - City of Kenai Marketing Update.

Mr. West discussed the ongoing marketing efforts for the City to assist businesses and promote events; also marketing the City for relocation and travel opportunities using geofence technology to target travelers in Anchorage, Mat-Su, and the Kenai Peninsula. He also discussed reach, results, and demographics of the efforts. Mr. West provided an overview of the social media presentation they provided to business owners at the Kenai Chamber of Commerce and Visitor Center and reviewed the Silver Salmon Derby marketing and sponsorships. He also showed some photos captured over the summer for marketing purposes and discussed plans for future promotion of the City.

C. UNSCHEDULED PUBLIC COMMENTS – None.

D. PUBLIC HEARINGS

[Clerk's Note: Agenda item D.7. was moved to D.1. and the remainder of the public hearings were renumbered.]

1. **Ordinance No. 3243-2021** - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes. (Vice Mayor Molloy)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3243-2021 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Jim Richardson spoke in support of the ordinance noting it would help provide reasonable enforcement for the property owners and the City. He noted difficulties in recent hearings pertaining to Conditional Use Permits noting the fears of the Conditional Use Permit process. He also spoke of difficulties in the last three years. Mr. Richardson spoke in support of specifying how the conditions of a Conditional Use Permit was compatible with residential areas and what it took to revoke a Conditional Use Permit.

Charlotte Coots spoke in support of the ordinance noting the specific guidelines and rules provide for protections for neighborhoods and what to expect when a Conditional Use Permit is applied for by a neighbor. She added that it was helpful when property owners could rely on the Planning and Zoning Commission when a Conditional Use Permit was granted and how the business would affect the neighborhood. She suggested the ordinance would help improve the process for those already living in the neighborhood.

Ron Rigalski thanked the Council for their work and spoke in support of the ordinance. He noted he would add, based on recent experience, some normalization, control, and teeth in the process; being clear about what happens when there is a violation. Mr. Rigalski noted there was a reason for zoning and a master plan.

Rusty Huff spoke in support of the ordinance suggesting it was overdue. He added that he's seen the City grow exponentially and believed that we've outgrown the Conditional Use Permit processing and zoning. He noted the Conditional Use Permits for commercial operations in residential neighborhoods were difficult and didn't believe they belonged, especially in a high-density residential neighborhood. Mr. Huff also noted that when permits transferred from one permittee to another and wanted to expand the scope, the applicants should be made to reapply and go through the process again so neighborhoods weren't bombarded with more in their neighborhoods. Finally, Mr. Huff reiterated the importance that the burden should be placed on the applicants seeking a Conditional Use Permit, not the neighborhood to fight for survival.

Rick Baldwin expressed appreciation for the ordinance and supported the changes. He requested additional changes, noting a recent Board of Adjustment hearing where the applicant represented a small operation, but the representations weren't included in the application or presented to the Commission, and the Commission accepted the representations of the small operation; there were no conditions in the permit holding the applicant to the small operation represented and, once a permit was issued, the City had no recourse to hold the permit holder to anything except the conditions in the permit. The change he requested was to add to 14.20.150 (e) (6), that the permit

shall reflect all special restrictions or conditions under which the applicant proposes to operate, and under (g), Staff Report, provide that the staff report shall set forth all variations between the typical use for which the application has been made and the uses proposed by the applicant, including specific limitations of the use as apparent on the application noting those provisions would put more teeth into the ordinance.

Kellie Kelso spoke in support of the ordinance noting the main function of a neighborhood was to provide a peaceful space for neighborhoods and Conditional Use Permits, infringed on the peaceful space. She was excited to see the changes including consideration for the economic and non-economic impact of a neighborhood.

Francis and Mark Yurik spoke in support of the ordinance noting that in their experience the last few months, the Conditional Use Permit process was unclear and confusing; adding that the provisions in the ordinance would make it more transparent.

Kristine Schmidt noted she has been attending meetings for many years and believes this is a much-needed amendment to the code, adding that this is a good start and the whole process could be added to or improved on in the future.

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

Gratitude was expressed for everyone coming out to testify. It was noted that it was important to Council that the Planning and Zoning Commission weighed in. Vice Mayor Molloy was thanked for sponsoring the ordinance

Concern was expressed that denial and modification was discretionary and should be supported by findings. It was suggested that Planning Director's comments during his presentations not be discretionary and, if the Commission disagreed with the Director, they should provide findings to support their position. Concern was also expressed that the economic value was subjective.

Clarification was provided that, in the situation of a zoning change, a Conditional Use Permit would provide grandfather rights for the use but wouldn't be allowed to expand or grow.

It was noted that the point of this ordinance was to clarify roles; that the Planning Director was to be the professional that assists the applicant with understanding code, Comprehensive Plan, questions in the application, and what was needed to make a complete application in order for a complete review. It was further noted that this ordinance wasn't to pre-judge anything; it left the job of granting, modifying, denying, or adding conditions, to the Planning and Zoning Commission.

It was also noted that this ordinance was a great start in making sure the residential areas were given opportunity for favorable space to live but also give guidance where there is opportunity for Conditional Use Permits and business friendly neighborhoods. Gratitude was expressed for the Planning and Zoning Commission and their diligent work diligently.

Concern was expressed with tying permits back to the Comprehensive Plan because not many knew what a Comprehensive Plan was; also heard the public comments that teeth and recourse were needed.

Clarification was provided that the burden of proof was on the applicant and the proof was provided at the public hearing, making the hearing as beneficial as possible for the Planning and Zoning

Commission and public. It was noted that an applicant can prepare for the Conditional Use Permit Process by meeting with the Planning Director.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3243-2021 by amending the last whereas clause to read, "Whereas on September 8, 2021 the Planning and Zoning Commission met and recommended the City Council enact this Ordinance with amendments." Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3243-2021 by adding the following to the end of KMC 14.20.150 new section (d) to read as follows, "Public Hearing. If the application is in order, a public hearing shall be scheduled in accordance with the requirements of KMC 14.20.280. An applicant must be present in person or by remote device for the application to be considered at the public hearing. If the applicant or representative is not present at the scheduled public hearing and has not provided a reasonable timely notice of unavailability to the Planning Department or Commission, the application will be dismissed by the Commission without a public hearing and the applicant may reapply at any time after paying a new application fee." Council Member Pettey **SECONDED** the motion.

Clarification was provided that the Commission would determine reasonable timely notice; postponement was another option the Commission could use with timely notice. Clarification was also provided that a representative would be someone of the applicant's choosing.

UNANIMOUS CONSENT was requested.

It was requested that a voice vote be taken.

VOTE ON THE AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3243-2021 by amending the paragraph in KMC 14.20.150 new section (e) to add the word, "dismiss," so the first sentence of the paragraph would read, "The Commission may approve, approve with conditions, dismiss or deny the application." Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3243-2021 by amending the last sentence of the paragraph on compliance notices to read as follows, " if the administrative official determines the permit holder is in compliance with the conditions in this subsection, or notifies the permit holder of a potential violation in writing, the administrative official shall send any notice of compliance or notice of violation to the Commission and the permit holder in a timely manner," and Council Member Knackstedt **SECONDED** the motion.

Clarification was provided that the Commission wanted to know about violations sent with the understanding that they might later be involved in a revocation hearing on the matter and were unable to discuss the violations with anyone. Clarification was also provided that violation was a violation of the conditions and that an investigation would be done prior to the revocation process or a notice of violation letter; however, if a complaint from the neighbor staff would look in to it but the complaint may not rise to the level of a violation unless they were able to verify the complaint. Finally, clarification was provided that noise and curfew violations would be handled in the same way as anyone in the City if there were no conditions in the permit.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend Ordinance No. 3243-2021 by amending the last sentence in KMC 14.20.150 (a) by deleting the words, "is discretionary," and replace them with, "must be supported by findings," and Council Member Winger **SECONDED** the motion.

It was suggested that anything done with a Conditional Use Permit should be supported by findings. It was further suggested that the term discretionary was loose and could be tightened up by being supported with findings.

There was opposition to the amendment noting that the requirement for findings was in the ordinance already, later in that section, where there was a requirement to provide findings on the six specific review criteria and that it has always been up to the Commission's discretion when to grant or modify a Conditional Use Permit when considering the criteria.

VOTE:

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

MOTION FAILED.

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend Ordinance No. 3243-2021 by replacing the word, "may," with the word, "shall," in the second sentence of the paragraph in 14.20.150 (g) so the sentence reads, "The staff report may contain any information deemed pertinent by the Planning Director or Designee, and shall include a recommendation and proposed findings on whether the requirements of this Chapter have been met and whether any additional specific conditions are recommended," and Council Member Winger **SECONDED** the motion.

There was objection to the amendment suggesting that it should be left up to the professional judgement of the Planning Director whether or not to give a recommendation for his staff report.

It was suggested that it was important that a recommendation and proposed findings be included by the staff.

The Planning Director noted that the word, "shall," makes it a requirement and in a case where a recommendation may be hard to come by or staff wanted to remain neutral, by including, "shall," makes it a requirement. He added that he attended and answered questions that arose in Commission meetings regarding code requirements.

VOTE ON THE AMENDMENT:

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

MOTION FAILED.

It was noted that this was the first of many comprehensive changes to the Planning and Zoning code and ordinances would be brought forth in the future to address more of the public's concerns.

It was noted different neighborhoods have different characteristics and there needs to be a balance with residential and Conditional Use Permits. It was also noted that reconciliation with covenants also needed to happen to provide clarity to the Planning and Zoning Commission.

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

2. **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)

- **Substitute Ordinance No. 3224-2021**

[Clerk's Note: At the August 4 Council Meeting, this item was postponed to the September 15 Council Meeting for a second public hearing. A motion to enact is on the floor.]

Mayor Gabriel opened the floor for public comment.

April Orth don't expect anything nefarious is included but is interested in going over in a public setting; missed the work session. She expressed concern with the code rewrite given the level of concern for elections in the community.

Cathy Medcoff agreed with April noting that the ordinance was a lot to look at and would appreciate more time.

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

The timeline, from introduction to present, was provided noting the work session was recorded. It was noted the ordinance was a reorganization of the code with some new policies to better align with the borough as the City was not using state equipment any longer but using the borough's equipment.

MOTION TO AMEND BY SUBSTITUTE:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3224-2021 by substitute and Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE TO AMEND BY SUBSTITUTE: There being no objections, **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3224-2021 by replacing the word parking with marking in the third line of section 6.35.030 (a)(1). Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT.**

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

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend Ordinance No. 3224-2021 by striking the words, "a person," and replacing them with, "one United States citizen," in the last sentence of 6.30.050 (c), adding the following sentence as the last sentence, "a self-certification of the witness's qualifications may be accepted," and adding "a self-certification of the witness's qualifications may be accepted," as the last sentence of 6.30.060 (c)(2) Council Member Winger **SECONDED** the motion.

VOTE ON THE AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Winger **MOVED** to amend Ordinance No. 3224-2021 by adding section 6.25.015 – Voting Devices and Machines (a) Voting devices and machines will be used for all regular and special elections unless determined not to be practical by the Clerk. The laws of the State concerning voting devices and machines are incorporated in this chapter as if fully set out in this chapter except for provision in conflict with this chapter. (b) The election official shall designate the computers to be used in counting the ballots and may negotiate a contract with the Kenai Peninsula Borough or a private computer service for the needed computer services. (c) Computers and voting machines may not be plugged into phone, internet, Bluetooth, or fiber optic cables during open polling hours. Council Member Pettey **SECONDED** the motion.

It was noted that Kenai Peninsula Borough legislation doesn't address the specific issue of the machines being plugged into phone, internet, etc., during operating hours.

It was noted the second sentence of (a), regarding the laws of the State being incorporated, was not needed.

MOTION TO AMEND THE AMENDMENT:

Council Member Knackstedt **MOVED** to amend the amendment by striking the second sentence in (a) and Vice Mayor Molloy **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

Clarification was provided that connection to Bluetooth was not by plugging in; also noted that the list was not an exhaustive list. Alternative language was suggested that machines may not be connected to any device outside of the polling place.

MOTION TO AMEND THE AMENDMENT:

Council Member Winger **MOVED** to amend the amendment by amending (c) to state, "computers and voting machines may not be connected to any device during open polling hours," and Vice Mayor Molloy **SECONDED** the motion.

The motion was withdrawn with the concurrence of the second.

MOTION TO AMEND THE AMENDMENT:

Council Member Winger **MOVED** to amend the amendment by amending (c) to state, "any device connected to computers or voting machines must be a part of a closed system during open polling hours," and Vice Mayor Molloy **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Council Member Winger **MOVED** to amend Ordinance No. 3224-2021 by adding section 6.20.070 – Polling Locations (a) The City of Kenai shall be composed of such election precincts as may be set up or modified by the State of Alaska for all City elections, both regular and special. The polling places will be as designated by the State of Alaska, Division of Elections. (b) Changes of the polling places may be accomplished by the Council by motion, resolution, or ordinance. (1) a polling place may only be changed in a catastrophic event such as flooding, long power outages, unsafe building damage and/or fire. Council Member Glendening **SECONDED** the motion.

Concern was expressed that the Council may change polling places but that polling places may only be changed for specific reasons which could cause confusion.

It was noted that there needed to be consistency in polling places and the City, Borough, and State need to be able to work out polling place changes together.

It was suggested that in a State House of Representatives race in Anchorage, the candidate who lost the election believed the loss could be attributed to a polling location change, and to prevent the situation happening in Kenai, the amendment was offered.

Clarification was provided that the polling locations and addresses are published, that Election Supervisors try very hard for consistency in locations of polling places year after year. Situations over the last 20 years which required polling locations be changed, including terrorist attacks, natural disasters, and a pandemic were reviewed. Staff expressed concern about a potential situation where the Borough was changing polling locations and the City not having the flexibility to change as well, leaving the City without election equipment, due to this provision.

It was noted that polling locations change periodically due to property owner situations and the voters are provided notice; also noted there were many good reasons for changing a polling location.

It was suggested emergency meetings could be called by the Mayor to get a polling location changed.

VOTE TO AMEND:

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

MOTION FAILED.

MOTION TO POSTPONE:

Council Member Glendening **MOVED** to postpone to the October 6 meeting and hold a third public hearing and Council Member Winger **SECONDED** the motion.

It was asked that any questions of the Clerk come before October 6 so time could be given to prepare a response due to the work of an election and a City Council meeting taking place in the same timeframe.

An overview of the timeline was provided. It was noted that amendments could be brought forth to make changes prior to the ordinance becoming effective.

There was support for postponement due to the requests from the public.

Concern was expressed that codes from municipalities other than the Kenai Peninsula Borough were adapted and included.

It was noted that it was unfortunate that local government couldn't be trusted when it came to elections for fear of something that may or may not be an underlying reason or an agenda; it was also noted that the purpose of the ordinance was a reconciliation with current code, past practice, and state law being fleshed out. It was further noted that another ordinance could be brought forth if it was discovered an amendment needed to be made; there had been an appropriate amount of time for the public to weigh in.

VOTE TO POSTPONE:

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

MOTION FAILED.

Clarification was provided that certain provisions in the old code were provided for in a Memorandum of Agreement with the Kenai Peninsula Borough.

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED.

- 3. Ordinance No. 3238-2021** - Accepting and Appropriating an Interlibrary Cooperation Grant from the Alaska State Library for the Kenai Community Library Storywalk® Project. (Administration)

MOTION:

Council Member Askin **MOVED** to enact Ordinance No. 3238-2021 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.

An overview of the program was provided by the Library Director.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

- 4. Ordinance No. 3239-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant From the Department of Justice Passed Through the Alaska Internet Crimes Against Children Task Force for the Purchase of Forensic Software. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3239-2021 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.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

- 5. Ordinance No. 3240-2021** - Amending Kenai Municipal Code Section 23.55.030 – Qualification Pay, to Amend the Salary Ranges to Accurately Reflect Recognition Pay and Entitlements. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3240-2021 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.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

- 6. Ordinance No. 3241-2021** - Declaring that, T 5N R 11W Sec 6 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 8, Also Known as 604 Inlet Street, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records was Peter F. Mysing, Whose Address is, PO Box 8134, Nikiski, Alaska, 99635-8134 and Estate of Peter F. Mysing CO/ Dale Dolifka, PO Box 498, Soldotna, AK, 99669-0498, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3241-2021 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 Pettey **MOVED** to amend Ordinance No. 3241-2021 by replacing the blank in the sixth WHEREAS with "September 9, 2021." Vice Mayor Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

7. **Ordinance No. 3242-2021** - Declaring that, T 5N R 11W Sec 5 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 20, Also Known as 905 Mission Avenue, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records Was Keith K. Knight, General Delivery, Kenai, Alaska, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3242-2021 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.

MOTION TO AMEND:

Council Member Pettey **MOVED** to amend Ordinance No. 3242-2021 by replacing the blank in the sixth WHEREAS with "September 9, 2021." Vice Mayor Molloy **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

It was noted that the plat number associated with the property was the same; clarification was provided that the plat number could be amended administratively if it was incorrect.

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

8. **Ordinance No. 3245-2021** - Authorizing a Budget Transfer in and Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for the Purchase and Installation of Equipment to Provide Residents Basic Television and Wireless Internet Service. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3245-2021 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.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Section 2 of Ordinance No. 3245-2021 by increasing the appropriation of retained earnings to \$12,228, increase repair and maintenance to \$9,599, and to increase the total for increase appropriations to \$12,228. Council Member Pettey **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

Clarification was provided that the timeline for the installation could be that the tenants would be without internet service for up to a month. Clarification was also provided that staff had communicated the plans for implementation to the tenants and they were satisfied.

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

9. **Resolution No. 2021-57** - Declaring a Right-Of-Way for a 60' by 254' Portion of the Frontage Road Along Wildwood Drive as Dedicated on Lot 4-A, Block 8, Black Gold Estates Subdivision No. 2 (Plat KN 84-76), 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. 2021-57 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.

Clarification was provided that this was the last step in the process and finalization would take place.

UNANIMOUS CONSENT was requested.

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

10. **Resolution No. 2021-58** - Authorizing an Agreement for Professional Engineering Services to Provide Construction Documents for Sewer Lift Station Upgrades. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2021-58 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.

It was noted the lift station was one of the highest maintenance items in the city and this would go a long way in maintaining the infrastructure.

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

E. MINUTES – None.

F. UNFINISHED BUSINESS – None.

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)

Approved by the consent agenda.

2. *** Action/Approval** - Non-Objection to the Renewal of Marijuana Licenses for Grateful Bud, LLC. (City Clerk)

Approved by the consent agenda.

3. ***Action/Approval** - Appointing Election Precinct Boards for the October 5, 2021 Regular Election. (City Clerk)

Approved by the consent agenda.

4. ***Action/Approval** - Special Use Permit to RAVN for Warm Storage. (Administration)

Approved by the consent agenda.

5. ***Ordinance No. 3246-2021** - Accepting and Appropriating an Airport Improvement Program Grant from the Federal Aviation Administration in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment– Multi-Purpose Broom/Blower. (Administration)

Introduced by the consent agenda and Public Hearing set for October 6, 2021.

6. ***Ordinance No. 3247-2021** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital Project Funds, Awarding a Professional Services Agreement and Corresponding Purchase Order for Mission Avenue Water Main Repairs. (Administration)

Introduced by the consent agenda and Public Hearing set for October 6, 2021.

7. **Discussion** – Request to Schedule a Joint Work Session for the Draft Land Management Plan. (Administration)

It was decided a joint work session, with City Council, Planning and Zoning Commission, Harbor Commission, Parks and Recreation Commission and the Airport Commission would take place on Monday, October 11, 2021 from 5:00 – 7:00 p.m. with the location to be determined based on having enough space.

8. Discussion – Set a Special Meeting for City Clerk Candidate Review. (City Clerk)

It was decided a special meeting would be scheduled for Monday, September 20, 2021 at 6:00 p.m. to review City Clerk candidates.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – No report. Next meeting October 14, 2021.
2. Airport Commission – Council Member Knackstedt reported on the meeting of September 9, 2021. Next regular meeting October 14, 2021.
3. Harbor Commission – No report. Next meeting November 8, 2021.
4. Parks and Recreation Commission – Noted Director Frates would be missed; also noted the upcoming Kenai Peninsula Marathon. Next meeting October 7, 2021.
5. Planning and Zoning Commission – Council Member Winger reported on the meeting of September 8, 2021. Next meeting October 13, 2021.
6. Beautification Committee – Council Member Asking reported on the meeting of September 14, 2021. Next meeting October 12, 2021.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Hoped everyone enjoyed their Labor Day Weekend;
- Commended Director Frates for his many years of service to the City;
- Attended the Chamber Luncheon where a Candidate Forum was hosted noting the three candidates who attended were well prepared; recognized the candidates for their courage to run for Council;

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:
 - Furie Operating of Alaska used the City Dock last week and are interested in continued use for the next several months;
 - Met with the four non-incumbent City Council candidates;
 - Meeting with Fire Chief Prior, Deputy Chief Anderson, and the state regarding providing integrated health services to low acuity patients to keep bed free at the hospital;

- Kenai Silver Salmon Derby was ongoing; final wheel spin will be Monday following event at 5:00 p.m. at the Visitor Center;
- HDR was continuing to collect data for the Bluff Erosion Project for the next six to eight weeks then design process will get started; hoping to get 35% complete drawings this calendar year.

2. City Attorney – No Report.

3. City Clerk – City Clerk Heinz reported that absentee voting was set to begin on Monday, September 20th.

K. ADDITIONAL PUBLIC COMMENT

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

Marion Nelson gave an update on the Art Center; also noted that she sat on Kenai Peninsula Tourism and Marketing Council and the questions the marketing team had were answered by work already done by the Kenai Peninsula Tourism and Marketing Council

Alex Douthit thanked Council for approval of the replat; also noted that the Kenai Peninsula Economic Development District recently did a marketing video regarding moving manufacturing businesses to the Kenai Peninsula. Finally, Mr. Douthit spoke about work the Kenai Peninsula Tourism and Marketing Council has done on digital marketing and were looking into an app.

2. Council Comments

Council Member Askin thanked the Council for the amendments on the Conditional Use Permit ordinance and the election ordinance; got a lot accomplished tonight. She noted that she attended the Kenai Historical Society event recently. She also recounted a conversation she had with a new resident about moving to Kenai and the amount of money they saved in heating costs

Council Member Winger noted that she listened to the candidate forum adding that there were great candidates running for Council. She noted that she had great conversations regarding the Conditional Use Permit and Elections ordinances; thanked Vice Mayor Molloy. Council Member Winger mentioned the upcoming Kenai River Marathon needed volunteers; also encouraged property owners to look at removing dead or dying trees.

Council Member Pettey stated that she was proud to live in Kenai on Labor Day and thanked the Parks and Recreation Department for the flags on the Highway. She also noted that she was touched and thanked the Fire Department for their continual remembrance for 9/11. Finally, Council Member Pettey provided a reminder for the Kenai Silver Salmon Derby suggesting it was a great time to put your hook in the water.

Council Member Glendening noted he was glad to get the draft Land Management Plan as it opened many opportunities. He also noted that he attended the City Council candidate forum and was pleased with the questions and responses.

Vice Mayor Molloy thanked the participants of the meeting and for providing public comments on both the Conditional Use Permit and Election Code ordinances; also thanked his colleagues for the amount of work that was put into the ordinances. He added that he appreciated dialogue and expressed appreciation that the City Council would continue looking at Title 14. Vice Mayor Molloy also reported that he attended the bell ringing ceremony on 9/11 noting it very good ceremony and Chief Prior made a good presentation and the Central Emergency Services Pastor said some nice prayers.

Council Member Knackstedt noted he attended a Kenai Historical Society meeting and enjoyed the presentation on murders in Kenai in 1918. He also noted that he attended the candidate forum adding that good questions were asked of the three individuals that were present. Finally, Council Member Knackstedt noted he was going to Director Frates and recalled the tireless effort to set events up yet still enjoying himself.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

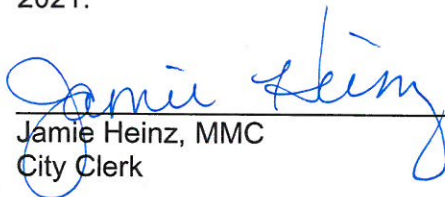
N. **ADJOURNMENT**

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 11:09 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of September 15, 2021.



Jamie Heinz, MMC
City Clerk

