

**DECEMBER 15, 2021
CITY COUNCIL SPECIAL MEETING
ADDITIONAL MATERIAL/REVISIONS**

REQUESTED ADDITIONS TO THE PACKET:

<u>ACTION</u>	<u>ITEM</u>	<u>REQUESTED BY</u>
Add to item D.2.	Ordinance No. 3257-2021 <ul style="list-style-type: none">• Written Public Comment	City Clerk
Add to item D.4.	Ordinance No. 3259-2021 <ul style="list-style-type: none">• Amendment Memo	City Manager
Add to item G.10.	City Participation in UCIDA Lawsuit <ul style="list-style-type: none">• Homer Resolution	Legal
Add item G.11.	FY2023 Budget Goals Work Session Request <ul style="list-style-type: none">• Memo	City Manager

From: [Tamra Wear](#)
To: [City Clerk](#); [Brian G. Gabriel, Sr.](#)
Subject: The Power of Libraries
Date: Monday, November 29, 2021 12:29:43 PM

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Dear Mayor Gabriel and Kenai City Council Members,

I hope you had a restful holiday with family and friends. I wanted to send my support for the Kenai Public Library. Director Wolfe has the expertise and experience to select library materials that meet the needs of her patrons. Since we live in a community that can get quite divided, I feel it is important to remember that our First Amendment Rights, Intellectual Freedom, and the Freedom to Read are integral components of a democratic society. There is no place for censorship in our libraries.

Please stay strong and remember that we are all citizens of a wonderful, diverse country. Take care,

Tamra Wear
Soldotna H.S. Librarian

From: [Kristine Schmidt](#)
To: [City Clerk](#)
Subject: Please Vote Yes On Ordinance 3257-2021
Date: Tuesday, November 30, 2021 3:16:03 PM

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Dear Kenai City Council members:

Please vote yes to accept the \$1,500 grant from the National Library of Medicine. I have lived in Kenai since 1982, and I am a regular library user and supporter. Kenai residents have always supported our local community library. We are proud of our library building, resources and staff. We have been blessed with a succession of wonderful librarians. I have complete trust in our current Library Director to select health care materials with grant funds for our library, and you should too.

I don't believe it is the role of Council members to micromanage Kenai staff in the performance of their duties. It is discouraging to see residents and non-residents try to make this library grant into their personal political cause. Therefore I respectfully disagree with Mr. David Peck's comments, as well as similar comments made by other Kenai residents (and non-residents) at the October 20, 2021 City Council meeting and in your packet.

Thank you for considering these comments.

Kristine Schmidt
513 Ash Avenue
Kenai, Alaska 99611
(907) 283-7373
kschmidt110@gmail.com

From: [Mary Jo Joiner](#)
To: [City Council](#)
Cc: [Paul Ostrander](#)
Subject: Ordinance 3257-2021
Date: Tuesday, November 30, 2021 9:04:26 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I thought I would be back in Alaska before this Ordinance came before the Council again. I will be in transit and unable to participate via Zoom.

My name is Mary Jo Joiner and I was the Library Director in Kenai for 14 years. I was the Library Director in West Tisbury, MA for 16 years before I moved to Kenai. And, for three years, I was a medical librarian at the Georgetown University Medical Center's Dahlgren Library.

I have watched the video from the Council meeting at which Ordinance 3257-2021 was discussed. I am appalled and disappointed by the actions and some of the comments of Council members.

First, let me thank City Manager Paul Ostrander for his supportive comments on the issue.

Second, Council Member Glenese Pettey deserves round of applause for her support of the Library Director and insightful comments.

I feel compelled at this juncture to point out, what should have been obvious, which is that it is the Library Director's duty and responsibility to select items for the collection. Period. If any person objects to an item in that collection there is a process in place to challenge its inclusion.

I will now address the public comments voiced at the meeting as well as some comments from Council.

To the person concerned with the word "equity" - Equity in the context of consumer health materials can mean many things, among them simply collecting material on diseases or conditions that are experienced by a smaller segment of the population. For example, adding items that might cover Lyme Disease or Sickle Cell Anemia in addition to more standard diseases such as heart disease, diabetes and cancer.

To the person who opined that we have enough items in the collection already - The standard rule of thumb in medical information is to replace every three years. Not only do treatments change fairly rapidly, but books are published after the fact. Current information is crucial and old information can be deadly.

Yes, there may be COVID information, but the likelihood that reliable texts have been created so fast in a rapidly changing environment is small. I would trust the library Director to balance any issues that are controversial.

Yes, the National Library of Medicine may be showcasing current issues, but the books the Library will be purchasing will not come from them.

The Council's discussion, request for a complete list of titles and action to postpone is nothing less than censorship. If I were the Director I would not produce any list. Your Library Director is a

professional and should be treated as such, including referring to her as Ms. Wolfe and not as Miss Katja.

Finally, the community response should have shamed this entity. I urge you to accept the grant as presented.

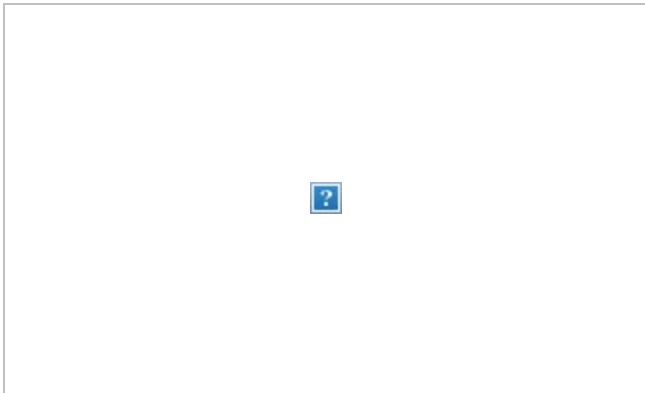
Mary Jo Joiner
34370 Lake Rd.
Soldotna, AK 99669
Sent from my iPad

From: [Meagan Zimpelmann](#)
To: [City Council](#)
Subject: Ordinance 3257 2021
Date: Tuesday, November 30, 2021 10:35:48 AM
Attachments: [Library Ordinance.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

So sorry this letter is late...I was just hoping to write in support of Director Katja Wolfe and Library Ordinance 3257-2021.

Thank you so much for your time.



Mayor Gabriel and City Council Members:

I am writing to express my opinion on the recent debate concerning ordinance No 3257-2021. I admit to having a very personal stake in this issue and thank you in advance for considering my comments.

My long employment history *began* at the Kenai Community Library, where I was once hired as a Circulation and Periodicals Clerk. It was this entry job that set me on my final career path. With the encouragement of an amazingly diverse group of patrons and the guidance of caring, professional mentors, I obtained my Master's Degree in Library and Information Science, specializing in Reference and User Services. For over twenty years now, I have served as an academic librarian at Kenai Peninsula College. Experience in both the academic and public settings has given me a unique perspective — an in depth, “from the trenches” understanding of the many changes and challenges Alaskan libraries face in their day to day operations.

Needless to say, certain opinions recorded in both the October 20th and November 3rd meetings raised my alarm. Several comments skirted dangerously close to a call for censorship and need to be countered immediately.

All librarians, regardless of professional status, are taught to honor the ALA Library Bill of Rights and support every individual's Freedom to Read. The old battle-standard, cliché quote of “A truly great library contains something in it to offend everyone,” still holds as vital, true and necessary. Librarians work to maintain collections that boast accuracy and currency. We put great deliberation into either the acquisition or deaccession of materials. We make constant efforts into improving access, carefully cataloging and classifying our resources (both physical and digital), so our users can easily connect with a wealth of reliable information. Most importantly, we strive to seek out works that reflect differing points of view — books, periodicals and media that contain ideas, images and opinions that might oppose our own ideology and experiences.

As such, I take issue with much of the reasoning currently being used to postpone the acceptance of a simple NNLM Grant Award.

First of all, I certainly stand against the idea that Kenai Community Library already owns too many resources on health topics. Titles that fall under medical subject headings quickly become dated, no longer appropriate for a working collection. New treatments, new technologies, new standards of care, new discoveries, even new legislation and consumer protections are constantly on the horizon. Health resources need continual appraisal in order to help our patrons make safer, more knowledgeable choices. Would you care to fight a potentially terminal disease with supplemental data that is perhaps a decade old? Would you want to be faced with a thin selection of materials when dealing with a personal health crisis, already overburdened with physical, emotional and financial strain? Would you want a loved one to investigate a chronic condition without reputable sources? What of our region's current medical professionals or those planning to seek further training and education in high demand health careers? Should they have limits placed on their ability to access research materials that have stood up to the rigors of peer-review?

One comment presented at the October 20th Council Meeting revealed the belief that a “half a dozen books on cancer” is enough. But consider reframing this to meet the basic concerns of cataloging, classification and context relevant to my profession:

- There are over 100 forms of cancer, each affecting different tissues and organs, each coming with wide-ranging treatments, options and uncertainties.
- The disease that strikes people at varied ages, income tiers, and levels of physical health and fitness.
- There are factors of environment or heredity at play.
- And what about addressing levels of literacy? A child dealing with the illness of a parent requires information that meets their understanding and reading level, delivered in a much more sensitive voice than the complex and technical evidence presented in your average medical textbook.
- Language? Accessibility for those in our community who may be visually impaired?
- Perspective? Is the information presented by someone fighting the disease or a professional seeking to treat it?
- At present, Kenai has a diverse population of nearly 8,000 residents, while recent census data indicates 60,000 residents for the extended Peninsula region, etc.

The list could go on and on. Of course, we can't purchase or store *everything* upon a library's shelves, but I would argue that **six titles** are *not* up to the task of addressing all of those variables.

Making it even more of a convoluted mess, the complaint seeking to drastically limit collections was preceded by another protest that argued that there are *no* underserved populations on the Kenai, despite the acknowledgment of Census Data indicating otherwise. These extremes are precisely why the final voice on the evaluation of resources should fall to those who fully understand, serve and recognize our population's dynamic. Librarians are *trained* to develop collections, maintaining them to meet the ever-growing needs of ever-growing, ever-changing communities.

While focused on the theme of training, I would also like to take a moment to remind the Council that Director Wolfe not only boasts a Master's Degree in Library Science, she possesses an *additional* Master's in the field Public Health. It is very disheartening to see her expertise, integrity and efforts diminished, all thanks to a muddled definition of one “triggering” buzzword, coupled with a dash of good old conspiracy ideation.

It is this fear of boogeymen, or sinister agendas lurking within professional organizations, that leads directly to the statement I found most dismaying. In a comment recorded at the October 20th meeting (approximately 1:24:25), a constituent clearly directs that Library staff and City Council “send me a list so I can come back and ask you to reject it.” While I completely understand the wish for transparency, this was such a blatant example of bias. You have a city employee, someone who is advocating for literacy and public service, whose motives and intentions are being smeared with suspicion. You have a demand for a sweeping account of titles, but it is simultaneously paired with the resolve to deny further debate, no matter what such

an index would reveal. No promise of consideration, no invitation for continued discussion, no intent for critical thought, just the bold promise of a predetermined verdict.

At the risk of sounding sarcastic, I don't think our community should be forced to "stick to their vegetables over desserts." Especially if said dish arrives with an unhealthy heaping of censorship or has to be choked down with the sour taste of fear-mongering.

With her specialized education and ethics, Director Wolfe is an asset to our community and should be allowed to fulfill her role while advancing the library's overall mission. She should be granted full discretion to examine potential titles, to determine which subject headings require an update, and to negotiate with vendors that will offer the most competitive pricing. She needs to gauge which reference resources might maintain their scope and value over the longest span of time and to weed out items that might show signs of damage and disrepair. She deserves the Council's trust to evaluate what subjects are lacking and what are in highest demand, to assess which items circulate most frequently and what materials are commonly being sourced from other libraries within our sharing consortium.

I believe Director Wolfe sought this award with the best of intentions. I have no doubt that the Council understands that grant writing is a very labor-intensive process, fraught with red tape, restrictions and the inevitable reapplication. The funds were set to be provided from a reputable institution (despite niche hints to the contrary). Full information about this particular grant and its requirements is *freely* available to anyone who puts in the effort of the most basic web search. In fact, one can easily locate the NNLM's disclaimer that states the organization holds no authority or responsibility for choosing resources: **the selection of materials is strictly up to each individual library**. Not everyone wins the brass ring or collects the prize: I believe there were only 6 awards available to Region 5, which includes Alaska, California, Hawaii, Nevada, Oregon, Washington, and the U.S. Territories and Freely Associated States of the Pacific. Director Wolfe *won* this award through a sound and compelling proposal, tenacity and the desire to benefit her *whole* community.

Several public comments have placed emphasis on the issue of transparency, and I, too, had been hoping for a little more clarity. I had been wondering what was really motivating this challenge. If we go back to the beginning of the October 20th discussion, it seems Director Wolfe was initially pressed on whether there were plans to use award funds to add Covid-19 materials. The tone and line of questioning appeared to indicate opposition to the prospect. One could say this was confirmed in the November 3rd meeting, when the same constituent's talk on why censorship is historically necessary derailed into an off-topic rant about vaccinations, the government, the mainstream media, Ivermectin and our local hospital infection numbers and demographics. Can we please get back to the subject of libraries? Director Wolfe clearly stated she had no intention to utilize the grant to purchase Covid related materials, but I can't help but wonder why anyone would even take issue at all?

Turning once again to the Library Bill of Rights, Item II specifically directs librarians to seek materials and information on current and historical issues. I really hope that this whole situation isn't just a poorly masked attempt to prevent a critical topic from finding its place onto our

shelves and databases. This grant should not be branded as divisive or a shady attempt at “government overreach.” It shouldn’t be permitted to serve as a convenient tool to inflate already over-hyped partisan divide. Regardless of political leaning or party status, Covid-19 is an event with universal fallout that has claimed the lives of 5 million people around the globe; it has altered and shaped our experiences in innumerable ways for the past two years. Accounts of the disease, from our response, resiliency and achievements, to the impacts on our community relationships, infrastructure, economies and education will be discussed and analyzed for generations. This is a pandemic; research materials, vital statistics, and primary resources all need to be gathered and added to a vast and continuous information chain. *Libraries* are where these works are safeguarded. Professional librarians, not pseudo or armchair “experts,” build collections where concepts and ideas are allowed to recombine across a host of disciplines, to be freely examined and framed into a wider perspective — all despite current fear, misinformation crusades or petty attempts to out-outrage one another.

Please do not allow the latest distraction or the loudest tantrum to dictate the Kenai Community Library’s collection development policies. Please consider the simple fact that over 200 community members have reached into their wallets to donate over \$15,000, clearly expressing their confidence and support of both Director Wolfe and her grant’s sponsor. I urge the Council to reconsider acceptance of this simple NNLM Award to make a clear stand against the censorship of library materials and funding sources.

Thank you again for all of your time.

Meagan Zimpelmann (Box 2693 Soldotna, Alaska 99669)

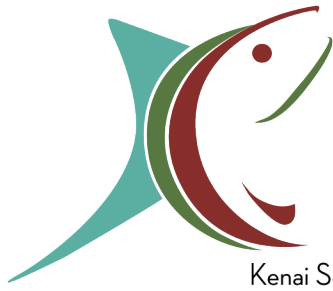
Links of Interest:

Library Bill of Rights - <https://www.ala.org/advocacy/intfreedom/librarybill>

American Library Association, Freedom to Read - <https://www.ala.org/advocacy/intfreedom/freedomreadstatement>

Network of the National Library of Medicine - <https://nnlm.gov/>

At the October 20th meeting, this organization was labeled as “an entity that causes concern.” That sentiment was echoed again on November 3rd. **I urge Council and community members to navigate to the URL.** The NNLM website focuses on outreach, collection sharing, citizen science, education and training, not the peddling of conspiracy. In fact, they have several projects that welcome crowd-sharing methods for gathering data. While links to Covid-19 resources can be accessed via a small red dropdown menu at the top of the page, I would argue that these are fairly common digital resources that can be found on a wide range of federal, state, transportation, commercial or educational pages. A ten-minute search will provide all of the necessary criteria and requirements associated with the grant.



KENAI

Kenai Senior Center | 361 Senior Ct., Kenai, AK 99611 | 907.283.4156 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Public Works Director
DATE: December 15, 2021
SUBJECT: Ordinance 3259-2021 Requested Amendment

The purpose of this memo is to request an amendment to Ordinance 3259-2021. This amendment memo is to correct an error in the Contractor's pay request. When drafting the original ordinance 35' of additional HDPE Storm Water Piping was missed. This piping was necessary to relocate a manhole 35' further back from the bluff to bear on undisturbed soil. The materials were ordered in coordination with the Contractor, Engineer and Owner at the start of the project.

A contingent sum of \$45,000 was included in Ordinance 3244-2021 in anticipation of additional fill quantities, however it was not known at that time that the manhole would need to be relocated. As a result our estimate was low.

The project is now 95% complete with only the placement of topsoil and hydro-seed remaining which will take place in the spring. All in all the project has been a success, and it is a great relief to the Public Works Department and adjacent property Owners that infrastructure has been restored to working order.

Council's support of these amendments is respectfully requested. Thank you for your consideration.

Motion

Amend the fourth Whereas by adding "**as well as one additional section of storm water piping totaling thirty-five feet**" after the word used.

Amend the fifth Whereas by adding "**and the additional section of piping installed totals \$16,065 for a total proposed Change Order 1 cost of \$69,397.50.**" after \$53,332.50.

Replace \$53,332.50 in Section 1 with **\$69,397.50**.

Replace \$363,107.50 where it appears in Section 1 with **\$379,172.50**.

Replace \$8,332.50 where it appears in the fifth Whereas and Section 2 with **\$24,397.50**.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Mayor/Aderhold

4 **RESOLUTION 21-091**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 DIRECTING THE CITY ATTORNEY TO FILE AN AMICUS BRIEF IN THE
8 UNITED COOK INLET DRIFT ASSOCIATION AND COOK INLET
9 FISHERMEN'S FUND v NATIONAL MARINE FISHERIES SERVICE AND
10 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, ET AL.,
11 3:21-cv-00255-JMK LITIGATION
12

13 WHEREAS, On November 25, 2020, the Homer City Council adopted Resolution 20-127
14 (attached) which strongly opposed the North Pacific Fishery Management Council's Alternative
15 4 to the Public Review Draft Environmental Assessment/Regulatory Impact Review for
16 Proposed Amendment XX to the *Fishery Management Plan for the Salmon Fisheries in the EEZ*
17 *off Alaska* (Salmon FMP); and
18

19 WHEREAS, The waters of the Cook Inlet commercial drift gillnet fishery are the closest
20 fishing grounds to Homer and participants in the fishery live in Homer, moor their vessels in
21 the Homer Harbor, and are constituents of Homer's marine trade businesses; and
22

23 WHEREAS, The fishing waters of the Cook Inlet commercial salmon drift gillnet fishery
24 include state and federal waters, with fishing in state waters managed by the Alaska
25 Department of Fish and Game Division of Commercial Fisheries and federal waters managed
26 by the National Oceanic and Atmospheric Administration National Marine Fisheries Service
27 (NOAA Fisheries) within the United States Exclusive Economic Zone (EEZ), defined as waters
28 3 nautical miles to 200 miles offshore of Alaska and other coastal states); and
29

30 WHEREAS, On November 2, 2021, NOAA Fisheries issued a final rule in the Federal
31 Register to implement Amendment 14 to the Salmon FMP that prohibits commercial salmon
32 fishing in the federal waters of Cook Inlet; and
33

34 WHEREAS, In 2014 the Homer City Council voiced opposition to restrictions on the Cook
35 Inlet Fishing District 1 (Resolution 14-019(A)) (attached), which is roughly equivalent to the area
36 of the EEZ, citing widespread and deleterious effects to local and regional economies; and
37

38 WHEREAS, The Homer City Council has consistently advocated for science-based
39 fisheries management decisions that are equitable across fishery users and sustainable for
40 continued human benefit into the future; and
41

42 WHEREAS, prohibiting commercial salmon fishing in the federal waters of Cook Inlet
43 effectively eliminates the economic viability of the fishery and viability of local seafood
44 processors; and


45
46 WHEREAS, The Homer City Council recognizes that the commercial salmon drift gillnet
47 fleet, like other fisheries users, is a critical component of Homer, positively contributing to the
48 City's local history, culture, and economy.

49
50 NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska, hereby
51 directs the City Attorney to file an amicus brief in the United Cook Inlet Drift Association v
52 National Marine Fisheries Service and National Oceanic and Atmospheric Administration, et
53 al., 3:21-cv-00255-JMK litigation.

54
55 PASSED AND ADOPTED by the Homer City Council this 13th day of December, 2021.

56
57

CITY OF HOMER



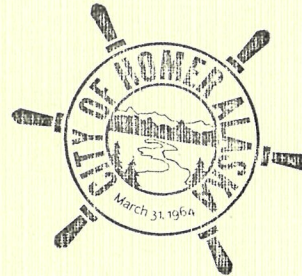
KEN CASTNER, MAYOR

62 ATTEST:

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64 

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66 MELISSA JACOBSEN, MMC, CITY CLERK

67
68 Fiscal Note: Attorney Fees Account# 100-0100-5210





KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Terry Eubank, Finance Director

DATE: December 15, 2021

SUBJECT: Work Session to Establish City Council Budget Preparation Goals and Policies for the FY2023 Annual Budget

The purpose of this memo is to respectfully request a work session in early January to establish City Council budgetary goals and policies as part of the FY2023 Annual Budget process and to facilitate a resolution to adopt Council's FY2023 Budgetary Goals and Policies at the January 19, 2022 City Council Meeting.

Pursuant to Kenai Municipal Charter, Section 3-2 City Administrator: Powers and Duties, the City Manager has annually submitted the budget after establishing the budgetary goals and policies for development of the budget. Formal adoption of budgetary goals and policies by Council has not been made or sought except after the fact through adoption of the budget. A change is being proposed to the City's budget preparation process in which Council will review and may amend the Manager's recommended goals and policies before adoption by resolution as the first step of the budget process. This new first step will allow earlier Council and public involvement and provide the Manager with guidance in preparing direction to department heads for their budget submittals.

The City's budget development process has improved in recent years to include additional meetings to engage the public and an all-day City Council Work Session. Adoption of budgetary goals by a governing body is a best practice and sound public policy that guides the Administration by establishing expenditure and revenue expectations, staffing levels and compensation, the criteria for prioritizing special and capital projects, and any other budgetary goals the governing body wishes to communicate. Further improvement of the City's budget process is an ongoing goal of the Administration.

In addition to being a best practice, the establishment of budget goals and policies will be of particular importance in FY2023 due to current economic conditions. Economic inflation of six percent or higher has not been seen in the United States for forty years. Inflation at this level will place significant pressure to increase expenditures. The City may need to adjust employee compensation based on inflation to avoid erosion of the City's ability to retain and attract talent in

all positions. The cost of goods and services to be purchased has increased and may require increased expenditures to ensure the continued buying power needed to maintain City services.

The FY2023 City of Kenai Annual Budget preparation will be particularly challenging. In order to provide the greatest opportunity for success in this and future years, the adoption of the Council's budgetary goals and priorities at the start of the budget process will help guide the Administration during its preparation of the annual budget. Our continued pursuit of improvements to the budget process and the generational fiscal scenario facing the City highlighted the importance of adding this step during budget development this year.

At the proposed work session Council will receive the City Manager's proposed FY2023 budget goals and policies. After discussion and public comment, the Administration will provide a resolution for adoption at Council's next meeting which will formally adopt the FY2023 City of Kenai Budgetary Goals and Policies. Your support for scheduling a work session prior to January 10, 2022, is respectfully requested.

Thank you for your consideration.

