



Kenai City Council - Regular Meeting

March 03, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes) per speaker; thirty (30) minutes aggregated*)

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

(Public comment limited to ten (10) minutes per speaker)

1. **Tim Dillon** - Kenai Peninsula Economic Development District (KPEDD) Public Outreach and Engagement in the Development of the Kenai Peninsula's Comprehensive Economic Development Strategy.

C. UNSCHEDULED PUBLIC COMMENTS

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

D. PUBLIC HEARINGS

1. **Ordinance No. 3192-2021** - Increasing Estimated Revenues and Appropriations in the General Fund Parks, Recreation and Beautification Department, and Authorizing an Increase to the Multi-Purpose Facility Management Services Purchase Order to Red Line Sports for Additional Ice Maintenance Services.
2. **Ordinance No. 3193-2021** - Accepting and Appropriating an Increase in the Title III Grant from the State of Alaska Department of Health and Social Services for Nutrition, Transportation and Support Services and a Grant from the United States Treasury Passed Through the State of Alaska Department of Health and Social Services to Support the Kenai Senior Center's Response to the COVID-19 Public Health Emergency.
3. **Ordinance No. 3194-2021** - Accepting and Appropriating Insurance Proceeds for Damage to Wellhouse Number One in the Water and Sewer Capital Projects Fund, Authorizing a Budget Transfer in the Water and Sewer Special Revenue Fund – Water Department, and Appropriating the Estimated Residual Amount Needed to Relocate the Damaged Facility to

the Water and Sewer Complex on Shotgun Drive in the Water and Sewer and Water and Sewer Capital Project Funds.

- 4. Resolution No. 2021-10** - Authorizing the City Manager to Execute a Professional Engineering Services Agreement for the Kenai Water, Sewer, and Waste Water SCADA Programming Services.
- 5. Resolution No. 2021-11** - Approving the Use of the Fleet Replacement Fund for the Purchase of a Fifteen Passenger Van for the Kenai Senior Center Utilizing the State of Alaska Equipment Fleet Contract.
- 6. Resolution No. 2021-12** - A Resolution of the Council of the City of Kenai, Alaska Approving Development Incentives Per Kenai Municipal Code 21.10.100 Temporary Development Incentives for a Lease of Airport Reserve Lands Between The City of Kenai and Soar International Ministries on Tract A-2, General Aviation Apron Subdivision No. 7.
- 7. Resolution No. 2021-13** - Requesting the US Secretary of Commerce Veto the North Pacific Fishery Management Council's Adoption of Measures that will Close Commercial Salmon Fishing in the Cook Inlet Exclusive Economic Zone.

E. MINUTES

- 1.** *Regular Meeting of February 17, 2021.

F. UNFINISHED BUSINESS

G. NEW BUSINESS

- 1.** ***Action/Approval** - Bills to be Ratified.
- 2.** ***Ordinance No. 3195-2021** - Accepting and Appropriating Funds in the Airport Fund, and Accepting Grants from the Federal Aviation Administration Under the Coronavirus Response and Relief Supplemental Appropriation Act, 2021.
- 3.** **Action/Approval** - Confirmation of Sarah Douthit, Nominated by the Mayor to Fill a Vacancy on the Beautification Committee.
- 4.** **Discussion** - Remote Electronic Participation in Council Meetings by Council Members and the Public.
- 5.** **Discussion** - Water and Sewer Service Penalty, Interest, and Shutoffs for Non-Payment Beyond the COVID-19 Disaster Emergency Declaration.
- 6.** **Discussion** - COVID-19 Response.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission

4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/86891899097>

Meeting ID: 868 9189 9097 **Passcode:** 309458

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 868 9189 9097 **Passcode:** 309458



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3192-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND PARKS, RECREATION AND BEAUTIFICATION DEPARTMENT, AND AUTHORIZING AN INCREASE TO THE MULTI-PURPOSE FACILITY MANAGEMENT SERVICES PURCHASE ORDER TO RED LINE SPORTS FOR ADDITIONAL ICE MAINTENANCE SERVICES.

WHEREAS, Red Line Sports was awarded a contract to provide Facility Management and Ice Machine Services for the 2020/21 season with the expectation the contract would be adjusted, if needed, based on actual ice rental hours and required maintenance; and,

WHEREAS, the Kenai Multi-purpose Facility experienced a substantial increase in use this season due to restrictions and closures at other rinks throughout the state due to COVID-19; and,

WHEREAS, the Alaska State Hockey Association desires to use the Kenai Multi-purpose Facility to host three youth State hockey tournaments; and,

WHEREAS, the Agreement for Facility Management Services needs to be extended into March 2021 in order to accommodate the last tournament of the season, and;

WHEREAS, the revenue generated from additional ice sales will exceed ice maintenance costs; and,

WHEREAS, increasing the compensation to Redline Sports to account for increased use of the Facility is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That the Kenai City Council authorizes the City Manager to authorize Red Line Sports to extend FY21 ice maintenance services by eight days to conclude on March 31, and authorizes an increase to Purchase Order No. 121375 in the amount of \$15,000.

Section 2. That the estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues – Kenai Multi-purpose Facility User Fees	\$15,000
Increase Appropriations – Parks, Recreation & Beautification Professional Services	\$15,000

Section 3. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


Section 4. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: February 17, 2021
Enacted: March 3, 2021
Effective: March 3, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Robert J. Frates, Parks & Recreation Director
DATE: February 9, 2021
SUBJECT: **Ordinance 3192-2021**

The purpose of this memo is to recommend adoption of Ordinance No. 3192-2021 increasing the Multi-purpose Facility Management Services purchase order to Red Line Sports and extending the terms of the agreement to March 31, 2021.

The Multi-purpose Facility experienced a significant surge in ice sales from previous seasons. The increased ice sales (up approximately 60%) was a direct result of other ice rinks around the State being either closed most of the season, or severely restricted due to COVID-19.

Additionally, the Alaska State Hockey Association has requested our rink to be utilized to host three youth State hockey tournaments, with the last tournament scheduled for the end of March.

Although the growth in sales increased expenditures for contractual services related to ice maintenance, the revenue associated with this far exceeds the maintenance costs.

Council's support is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3193-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING AN INCREASE IN THE TITLE III GRANT FROM THE STATE OF ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NUTRITION, TRANSPORTATION AND SUPPORT SERVICES AND A GRANT FROM THE UNITED STATES TREASURY PASSED THROUGH THE STATE OF ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO SUPPORT THE KENAI SENIOR CENTER'S RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, annually the City receives a grant from the State of Alaska Department of Health and Social Services to provide the Senior Citizen, Nutrition, Transportation, and Support Services (NTS); and,

WHEREAS, the State of Alaska received additional COVID-19 funding for the provision of meals, food boxes, and other forms of nutrition for Alaskan seniors; and,

WHEREAS, the Kenai Senior Center has been providing additional home meals throughout the COVID-19 Public Health Emergency; and,

WHEREAS, the FY2021 adopted budget estimated grant funding for the NTS program in the amount of \$190,847; and,

WHEREAS, an increase of \$1,000 to the NTS grant has been received from the State of Alaska Department of Health and Social Services; and,

WHEREAS, additional funding in the amount of \$27,859.08 was also received from the United States Treasury, passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center's response to the COVID-19 Public Health Emergency; and,

WHEREAS, the City has received notice the actual amount of the FY2021 grant, with the increases of \$28,859.08, will be \$219,706.08 ; and,

WHEREAS, acceptance of this grant is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That the City Manager is authorized to accept a \$1,000 increase to the Nutrition, Transportation and Support Services Grant from the State of Alaska Department of Health and Social Services.

Section 2. That the City Manager is authorized to accept a grant in the amount of \$27,859.08 from the United States Treasury passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center’s response to the COVID-19 Public Health Emergency.

Section 3. That the estimated revenues and appropriations be increased as follows:

Senior Citizen Fund:	
Increase Estimated Revenues –	
State Grant	\$ 1,000.00
Federal Grant	<u>27,859.08</u>
	<u>\$28,859.08</u>
Increase Appropriations –	
Congregate Meals – Operating & Repair Supplies	\$21,644.00
Choice Waiver – Operating & Repair Supplies	<u>7,215.08</u>
	<u>\$28,859.08</u>

Section 4. That the City Manager is authorized to execute the necessary grant amendment and grant agreements to accept the grant funds and is authorized to expend the funds in accordance with grant provision and the provision of this ordinance.

Section 5. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


Section 6. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: February 17, 2021
Enacted: March 3, 2021
Effective: March 3, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: February 8, 2021
SUBJECT: Ordinance No. 3193-2021 – Increase in the Title III Grant from the State

The Kenai Senior Center has received a supplemental funding appropriation through the State of Alaska Title III - Nutrition, Transportation and Services as follows:

State of Alaska Department of Health and Social Services	\$ 1,000.00
U.S. Department of Treasury passed through Alaska Department of Health & Social Services	<u>\$27,859.08</u>
	\$28,859.08

These funds are supplemental funding from the State of Alaska and a pass-through grant from the United States Department of Health and Human Services in support of the COVID-19 Pandemic.

I respectfully request consideration of the ordinance and accepting and appropriating these grant funds.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3194-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING INSURANCE PROCEEDS FOR DAMAGE TO WELLHOUSE NUMBER ONE IN THE WATER AND SEWER CAPITAL PROJECTS FUND, AUTHORIZING A BUDGET TRANSFER IN THE WATER AND SEWER SPECIAL REVENUE FUND – WATER DEPARTMENT, AND APPROPRIATING THE ESTIMATED RESIDUAL AMOUNT NEEDED TO RELOCATE THE DAMAGED FACILITY TO THE WATER AND SEWER COMPLEX ON SHOTGUN DRIVE IN THE WATER AND SEWER AND WATER AND SEWER CAPITAL PROJECT FUNDS.

WHEREAS, Well House Number One sustained substantial damages during the 2018 earthquake; and,

WHEREAS, in coordination with the City’s insurance carrier it has been determined that abandonment of these improvements at this location in lieu of rebuilding them is in the best interest of the City; and,

WHEREAS, the steel building on the property still retains some value and will provide for a much needed storage facility to be relocated adjacent to the Water Division staff office off of Shotgun Drive; and,

WHEREAS, the funding below coupled with proceeds from the insurance carrier will provide for this relocation; and,

WHEREAS, bid ready plans and specifications have been developed for this project, and with Council’s approval of this Ordinance an Invitation to Bid is anticipated to be released in early March 2021 to complete this Work.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That the following budget revision is authorized:

Water & Sewer Fund:

Transfer to -	
Water Department – Transfer to Capital Projects	<u>\$26,000</u>
Transfer from –	
Water Department – Improvements	<u>\$(26,000)</u>

Section 2. That the estimated revenues and appropriations be increased as follows:

Water & Sewer Fund:

Increase Estimated Revenues –
Appropriation of Fund Balance \$57,500

Increase Appropriations –
Water Department – Transfer to Capital Projects \$57,500

Section 3. That the estimated revenues and appropriations be increased as follows:

Water & Sewer Capital Project Fund:

Increase Estimated Revenues:
Restitution \$ 56,500
Transfer from Water & Sewer Fund 83,500
\$140,000

Increase Appropriations –
Construction \$140,000

Section 4. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


Section 5. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: February 17, 2021
Enacted: March 3, 2021
Effective: March 3, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin
DATE: February 10, 2021
SUBJECT: **Ordinance No. 3194-2021**

As Council may recall, the November 2018 earthquake caused structural damages to the Well House One Facility located at 7465 Kenai Spur Highway. The earthquake caused the concrete foundation to subside 4-5” around the structure, causing extensive concrete damages.

This well house was a low producing well site, especially after improvements to the well field located off of Shotgun Drive which produces the vast majority of water the City uses today. The property is leased from the State, and after review during the Land Management Plan updates it was determined this well site should be abandoned, and the low producing well capped.

In an effort to make use of some of the salvageable materials, the steel building remains in relatively good condition and would make an excellent storage facility for parts and equipment for the Water Division. It was determined the most appropriate location to move the structure to was directly adjacent to the Staff’s Office space at the Water Treatment facility, which resides behind a fenced enclosure, off of Shotgun Drive.

Plans & Specifications for the relocation have already been completed by Nelson Engineering, and the project is being conducted in coordination with the City’s insurance carrier. Upon Council’s approval the project will be formally released for Construction Bids with the work anticipated to take place this Spring and into the Summer. Insurance proceeds and City funds will be required to complete the work, this Ordinance is appropriating both.

The photos below indicate the structure and the intended new location it will be rebuilt at.

Council’s support is respectfully requested.



7465 Kenai Spur Hwy – WH#1



420 Shotgun Drive – Water Treatment Plant





Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021-10

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT FOR THE KENAI WATER, SEWER, AND WASTE WATER SCADA PROGRAMMING SERVICES.

WHEREAS, HDL Engineering Consultants was the successful proposer in the City's RFP process in the Spring of 2020, to provide Professional Engineering Services for the Water, Sewer and Waste Water division on a term agreement for the next three years with the ability for two one year extensions; and,

WHEREAS, assessment of the Water, Sewer, and Waste Water facilities and equipment as well as SCADA integration are included under that scope of work; and,

WHEREAS, Council \$70,000 for the FY21 budget in SCADA Integration; and,

WHEREAS, the FY20 budget included \$55,000 for SCADA Integration in anticipation of getting a systems integrator under contract; and,

WHEREAS, Council approved an initial Purchase Order at the August 19, 2020 Council Meeting in the amount of \$35,000 for HDL Engineering and Borealis Controls to begin assessing our SCADA system and various equipment components; and,

WHEREAS, that assessment has identified our priority issues and this Resolution will award the remaining funds to be used to address those priority issues; and,

WHEREAS, increasing the existing Purchase Order from \$35,000 to \$125,000 and executing a formal agreement specifically for SCADA Integration identified as Task 3 under the current term agreement is necessary to move forward with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. Council authorizes the City Manager to execute an agreement with HDL Engineering identified as Task 3 for SCADA Integration in the amount of \$125,000.

Section 2. Council authorizes an increase to Purchase Order 121047 from \$35,000 to \$125,000 for SCADA Integration.

Section 3. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: *J. Lub*



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Scott Curtin, Public Works Director

DATE: February 24, 2021

SUBJECT: **Resolution 2021-10 – To Execute A Professional Engineering Services Agreement**

The purpose of this memo is to request Council's Support of Resolution 2021-10 to formalize an agreement with HDL Engineering to continue with the SCADA integration work associated with the Water, Sewer, and Waste Water Division.

To date HDL Engineering and Borealis Controls have conducted site inspections of all SCADA related facilities, documented system components at those locations, and confirmed our software licensing and network infrastructure. The City of Kenai is awaiting receipt of an updated city-wide network diagram that will show the locations of major components and how they work together. That document is anticipated to be received by February 26, 2021.

We have already purchased some new communications equipment to replace existing outdated equipment that we have been struggling with keeping operational. We intend to expand on that work primarily out to our various lift stations updating the programming as we go.

It should also be mentioned we have additional funds already appropriated by Council within the Reservoir #1 Telemetry Upgrades Project through passage of Ordinance 3033-2018 as well as a lift station upgrade project under Ordinance 3009-2018. As this SCADA Integration work proceeds, and as long as the City remains satisfied with the tasks being completed a future Resolution may be provided to Council to direct those funds to the existing SCADA Purchase Order to allow for continued progress in this area.

Council's support is respectfully requested, I am available to answer any questions you may have.





Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021-11

A RESOLUTION OF THE CITY OF KENAI, ALASKA, APPROVING THE USE OF THE FLEET REPLACEMENT FUND FOR THE PURCHASE OF A FIFTEEN PASSENGER VAN FOR THE KENAI SENIOR CENTER UTILIZING THE STATE OF ALASKA EQUIPMENT FLEET CONTRACT.

WHEREAS, Administration conducted an evaluation of utility vehicles within the City's fleet to determine the efficiency of current vehicles and replacement needs of aged vehicles; and,

WHEREAS, the evaluation determined that the Senior Center should replace one of its aging passenger vans which would meet the transportation needs of the Department; and,

WHEREAS, KMC 7.15.070(b)(4) allows the City of Kenai to purchase equipment without giving an opportunity for competitive bidding if the equipment is purchased under the contract of another governmental agency in which contract the City is authorized to participate; and,

WHEREAS, the purchase of a new fifteen passenger van for the Kenai Senior Center utilizing the State of Alaska Equipment Fleet Contract is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the City Manager is authorized to use the Fleet Replacement Fund for the purchase of a fifteen-passenger van.

Section 2. That the City Manager is authorized to use the State of Alaska Equipment Fleet Contract for the purchase of a fifteen-passenger van, per KMC 7.15.070(b)(4), in lieu of the City conducting its own bid process.

Section 3. That the City Manager is authorized to issue a purchase order in the amount of \$41,027 for the purchase of a fifteen-passenger van Kendall Ford.

Section 4. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: February 23, 2021
SUBJECT: Resolution 2021-11 – Purchase of Senior Center Passenger Van

Resolution 2021-11 authorizes the purchase of a fifteen passenger Ford Transit van for use as a transportation vehicle for the Senior Center. It authorizes the use of the City's Fleet Replacement Fund for this purchase. Additionally, it authorizes the purchase of the vehicle through Kendall Ford as they have the lowest price on the State equipment fleet for the selected vehicle.

In accordance with the City fleet replacement plan, the Senior Center is scheduled to replace one its transportation vans in the current budget year. There is \$42,262 estimated in the Fleet Replacement Fund for this vehicle. The actual cost of the van is \$41,027. A portion of the remaining budget will be utilized to purchase decals for the van.

Your support for the Resolution 2021-11 is greatly appreciated.

Thank you.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021-12

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA APPROVING THE DEVELOPMENT INCENTIVES PER KENAI MUNICIPAL CODE 21.10.100. FOR A LEASE OF AIRPORT RESERVE LANDS BETWEEN THE CITY OF KENAI AND SOAR INTERNATIONAL MINISTRIES ON TRACT A-2, GENERAL AVIATION APRON SUBDIVISION NO. 7.

WHEREAS, the Kenai City Council approved of a 45-year lease application from Soar International Ministries for Tract A-2, General Aviation Apron Subdivision No. 7 to be used as a hangar with office space; and,

WHEREAS, a 6-month application extension was granted by Kenai City Council on August 19, 2020 with an expiration date of February 21, 2021; and,

WHEREAS, a lease was delivered to Soar International Ministries on February 19, 2021; and,

WHEREAS, Soar submitted an application for temporary development incentives that meets requirements of Kenai Municipal Code 21.10.100, Temporary Development Incentives on February 16, 2021; and,

WHEREAS, Soar has provided an estimated value of \$310,000 for the following eligible work activities: clearing and grubbing, unclassified excavation, classified excavation, and utility extensions; and,

WHEREAS, Kenai Municipal Code 21.10.100 requires Council approval of temporary development incentives; and,

WHEREAS, the project will enhance public safety and quality of life while providing economic development on property leased from the City within the Kenai Municipal Airport Reserve; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That the temporary development incentives with an estimated value of \$310,000 for the following eligible work activities: clearing and grubbing, unclassified excavation, classified excavation, and utility extensions is approved and credit may be applied towards rent for a maximum of 5 years.

Section 2. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.

Resolution No. 2021-12
Page 2 of 2

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: February 23, 2021

SUBJECT: **Resolution No. 2021-12 – Approving Development Incentives For A Lease To Soar International Ministries**

City Council approved a 45-year lease application from Soar International Ministries on August 21, 2019, for Tract A-2, General Aviation Apron Subdivision No. 7 to be used as a hangar with office space. A 6-month application extension was granted by Council on August, 19, 2020 with an expiration date of February 21, 2021. A lease was delivered to Soar International Ministries on February, 19, 2021, without temporary development incentives. Kenai Municipal Code 21.10.100 requires Council approval of temporary development incentives. This resolution will approve development incentives for this lease. A Development Incentive Application was received on February 16, 2021 for an estimated value of \$310,000 for the following eligible work activities: clearing and grubbing, unclassified excavation, classified excavation, and utility extensions. If approved by Council, the applicant will still need to provide an estimate of the value of the work, including a scope of work, prepared by a qualified engineer licensed to work in Alaska to the City and accepted prior to work being performed. In addition, a certification from a qualified engineer that the accepted scope of work has been completed must be provided to the City and accepted at the completion of the site preparation work in order for the credit to be applied towards rent for a maximum of 5 years. The annual rent for the first year of the lease is \$24,000.00.

Thank you for your consideration.

Attachment:

City of Kenai Lease Development Incentive Application received February 16, 2021 from Soar International Ministries.



City of Kenai Lease Development Incentive Application

Application Date: February 8, 2021

Applicant Information

Name of Applicant:	SOAR International Ministries				
Mailing Address:	115 North Willow	City:	Kenai	State:	Alaska
				Zip Code:	99669
Phone Number(s):	Home Phone: Cell 907-252-1841		Work/ Message Phone: 907-283-1961		
E-mail: (Optional)	RichardPage@soarinternational.org				

Lease Information

Eligible development

To qualify for a lease credit toward rent for a **maximum of five years**, an applicant for a new lease, extension, or renewal must complete commercial development on the property within two years to receive the credit, which is based on the value of site preparation work on the leased premises. Examples of eligible work include: clearing and grubbing, unclassified excavation, classified fill and back fill, and utility extensions.

Required documentation

1. An estimate of the value of the work, including a scope of work, prepared by a qualified engineer licensed to work in Alaska must be provided to the City and accepted **prior to work being performed**. Any changes to the estimate must be provided to the City and accepted prior to work being performed to be eligible for the credit.
2. A certification from a qualified engineer that the accepted scope of work has been completed must be provided to the City and accepted at the completion of the work for the credit to be applied.

Application is for:

- Existing Lease Property
- New Land Lease Application

Description of property:

Description of work to be completed:

- Clearing and grubbing
- Unclassified Excavation
- Classified Excavation
- Utility Extensions
- Other:

Estimated value of work: \$310,000
 Estimated start date: June 2021
 Estimated completion date: August 2021

Attachment(s):

- Scope of work
- Other:

By signing and dating below, the applicant agrees to fulfill the above requirements and understands that if these requirements are not met, the applicant will not be eligible for a development credit toward rent.

Signature:	<i>Richard Page</i>	Date:	02/08/2021
Print Name:	RICHARD PAGE	Title:	DIRECTOR

For City Use Only: <input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land <input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	Date Application Received: <u>2/16/21</u> Date Scope of Work Approved: _____ Amount of Credit Applied: _____
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STEAM ON WHEELS, LLC

45240 KNIGHT DRIVE #4
SOLDOTNA, AK 99669

QUOTATION

Quote Number: 175
Quote Date: Feb 12, 2021
Page: 1

Voice: 9072823240
Fax: 9072605230

Quoted To:
SDAR International Ministries 115 N.willow Kenai, AK 99611 USA

Customer ID	Good Thru	Payment Terms	Sales Rep
SOAR International	3/14/21	Net 30 Days	

Quantity	Item	Description	Unit Price	Amount
1.00		Bid for turning 209 North willow street approx 2.8 Acres into Gravel pad for FBO. Include 2 driveway enterances. Based on depth of 3 ft to excavate	310,000.00	310,000.00
			Subtotal	310,000.00
			Sales Tax	
			TOTAL	310,000.00



Sponsored by: Mayor Gabriel

CITY OF KENAI

RESOLUTION NO. 2021-13

A RESOLUTION OF THE CITY OF KENAI, ALASKA, REQUESTING THE US SECRETARY OF COMMERCE VETO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL'S ADOPTION OF MEASURES THAT WILL CLOSE COMMERCIAL SALMON FISHING IN THE COOK INLET EXCLUSIVE ECONOMIC ZONE.

WHEREAS, the Magnuson-Stevens Fishery Conservation and Management Act directs the North Pacific Fishery Management Council (Council) to prepare a fishery management plan for each fishery under its authority that requires conservation and management; and,

WHEREAS, the North Pacific Fishery Management Council developed the *Fishery Management Plan for Salmon Fisheries in the EEZ off Alaska*, (FMP) that manages salmon fisheries in the United State Exclusive Economic Zone (EEZ; 3 nautical miles to 200 nautical miles off shore of Alaska); and,

WHEREAS, pursuant to a United States Court of Appeals Ninth Circuit ruling, after successful litigation brought by the Cook Inlet commercial fishermen and seafood processors, the North Pacific Fishery Management Council was required to amend the FMP to bring it in line with the Ninth Circuit Court's decision; and,

WHEREAS, the North Pacific Fishery Management Council considered four alternative amendments to the FMP at its December 7, 2020 meeting:

Alternative 1 is status quo or no action, deferring management to the State of Alaska by excluding the traditional net fishing area in the Cook Inlet EEZ from the FMP (the Ninth Circuit Court ruling makes this alternative "untenable" according to the authors' of the Public Review Draft Environmental Assessment/ Regulatory Impact Review for Proposed Alternative XX to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska);

Alternative 2 would establish federal management of the commercial salmon fishery in Cook Inlet with management of the commercial fishery delegated to the State of Alaska in accordance with the Magnuson Stevens Act and other applicable federal law;

Alternative 3 would establish Federal management of the commercial salmon fishery in Cook Inlet with the North Pacific Fishery Management Council and national Marine Fisheries Service without delegation of management to the State of Alaska; and

Alternative 4 would effectively close all federal waters in Cook Inlet to commercial salmon fishing; and,

Resolution No. 2021-13
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WHEREAS, the Council, selected Alternative 4 closing all federal waters in Cook Inlet to commercial salmon fishing (the EEZ); and,

WHEREAS, the City of Kenai, through Resolution No. 2020-89, dated November 23, 2020, provided its opposition of Alternative 4 to the Council; and,

WHEREAS, the commercial fishing industry has been an important economic activity in Kenai for well over 100 years, providing many jobs for City of Kenai residents and others; and,

WHEREAS, the commercial fishing industry provides a large tax base for the City of Kenai in the form of property taxes and raw fish tax; and,

WHEREAS, the Council's action jeopardizes the viability of existing local fish processors by limiting available supply and reliability of deliveries; and,

WHEREAS, likely job loss in the commercial fishing and processing sectors, business failures and a smaller tax base resulting from the Council's adoption of Alternative 4 threaten the City's economy.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the City of Kenai requests the US Secretary of Commerce veto the North Pacific Management Council adoption of Alternative 4.

Section 2. That this resolution takes effect immediately upon adoption.

Section 3. That copies of this resolution be submitted to the U.S. Secretary of Commerce, and to the Alaska Congressional Delegation, Senator Lisa Murkowski, Senator Dan Sullivan and Representative Don Young.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of March, 2021.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk



KENAI

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

MEMORANDUM

TO: Kenai City Council Members
FROM: Mayor Gabriel
DATE: February 25, 2021
SUBJECT: **Resolution No. 2021-13**

The North Pacific Fishery Management Council developed the *Fishery Management Plan for Salmon Fisheries in the EEZ off Alaska*, (FMP) which manages salmon fisheries in the United State Exclusive Economic Zone (EEZ; 3 nautical miles to 200 nautical miles off shore of Alaska). Pursuant to a United States Court of Appeals Ninth Circuit ruling, after successful litigation brought by the Cook Inlet commercial fishermen and seafood processors, the North Pacific Fishery Management Council was required to amend the FMP to bring it in line with the Ninth Circuit Court's decision. The North Pacific Fishery Management Council considered the following four alternative amendments to the FMP:

Alternative 1 is status quo or no action, deferring management to the State of Alaska by excluding the traditional net fishing area in the Cook Inlet EEZ from the FMP (the Ninth Circuit Court ruling makes this alternative "untenable" according to the authors' of the Public Review Draft Environmental Assessment/ Regulatory Impact Review for Proposed Alternative XX to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska);

Alternative 2 would establish federal management of the commercial salmon fishery in Cook Inlet with management of the commercial fishery delegated to the State of Alaska in accordance with the Magnuson Stevens Act and other applicable federal law;

Alternative 3 would establish Federal management of the commercial salmon fishery in Cook Inlet with the North Pacific Fishery Management Council and national Marine Fisheries Service without delegation of management to the State of Alaska; and

Alternative 4 would effectively close all federal waters in Cook Inlet to commercial salmon fishing.

At their December 7th meeting, the North Pacific Fishery Management Council selected alternative 4, closing all federal waters in Cook Inlet to commercial salmon fishing. If approved by the Secretary of Commerce, the Council's action will amend the FMP by removing an exclusion from federal management that applies to a portion of Cook Inlet that overlaps with the EEZ. As a result of the Council's action, the Cook Inlet EEZ will be closed to commercial salmon fishing.

This Resolution requests that the US Secretary of Commerce veto the North Pacific Management Council adoption of Alternative 4. Your consideration is appreciated.

**KENAI CITY COUNCIL – REGULAR MEETING
FEBRUARY 17, 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 February 3, 2021, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor
Henry Knackstedt
Jim Glendinging
Victoria Askin

Robert Molloy
Teea Winger
Glenese Pettey

A quorum was present.

Also in attendance were:

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

3. Agenda Approval

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

- Add to item J.1. **City Manager Report**
- Food Bag Photos

MOTION:

Vice Mayor Molloy **MOVED** to approve the agenda with the requested additions and with the revision of moving Ordinance No. 3191-2021 to be considered first under public hearings and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **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**; and Council Member Askin **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**C. UNSCHEDULED PUBLIC COMMENTS**

Brittany Brown, Executive Director of the Kenai Chamber of Commerce provided an update on the "Shop Here All Year" program noting that she had seen a lot of excitement among local businesses and the public. She added they were still reaching out to eligible small businesses in order to encourage and help them to apply. She explained that the impact has already been significant for small businesses, with over \$41,100 being spent in the City in just 2 weeks. The success of the program can be credited to an effective marketing campaign which has included radio and print advertising, and a marketing video that has been widely shared on social media. She also noted they have been working with the individuals to help them apply their receipts.

Brent Hibbert, Kenai Peninsula Borough Assembly President, thanked the Council for their efforts to help local businesses and residents. He noted that he's heard from many members of the community that they appreciate their efforts as well, and expressed gratitude for the Chambers of Commerce in Kenai and Soldotna. He provided a brief update of the actions of the most recent Borough Assembly meeting.

D. PUBLIC HEARINGS

- 10. Ordinance No. 3191-2021** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Assistance to Kenai Residents Impacted by the COVID-19 Public Health Emergency with the Purchase of Groceries and Necessary Household Goods in Kenai and Award a Professional Service Agreement to the Kenai Chamber of Commerce and Visitors Center for Administration of the Program.

[Clerk's note: During Agenda Approval this item was moved to the top of Public Hearings.]

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3191-2021 and Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened for public hearing.

Katherine Uei noted that she felt that the program application was offensive, because she believed people should not have to prove they were impacted by the COVID-19 public health emergency. She noted that every person has been impacted by COVID-19 in some way, and that people may not participate because they don't want to have to humble themselves by proving that they are in poverty. She expressed appreciation for the Chamber of Commerce's energy in implementing the Shop Here All Year program, but also noted that she felt offended and accused when they had reached out to her daughter to clarify details about an application that Katherine had submitted.

Duane Bannock stated his support for this Ordinance, noting that this program strikes right to the heart of the concerns he had expressed during the Council Meeting of January 20, 2021. He requested clarification on the Definitions section of the program which lists eligible grocers by name, and recommended that the Ordinance define eligible stores as SNAP providers in order to clarify that groceries purchased at convenience stores would apply as well. Thanked the Council for the work they've done on this program.

Todd Smith thanked the Council, Administration and staff for the work they've done in handling the COVID-19 relief funds the City has received, recognizing that it is an inherently complicated situation that can't be done perfectly. He noted that the community had worked together to identify areas where local relief could help to cover gaps left by State and Federal funding, and that the Kenai Peninsula had done a better job of this than anywhere else in the State. He stated that he thinks the City is doing a great job, and he believes it is appropriate to use the relief funds to help people and fill in these gaps, as well as to offset municipal costs in an unpredictable time.

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

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3191-2021 by making the following changes:

- Section 2 of the Ordinance to read: "That the City Manager is authorized to execute a professional service agreement with the Kenai Chamber of Commerce and Visitor Center, Inc. for administration of the program for a total cost not to exceed \$15,000 including up to \$5,000 to promote the program and up to \$10,000 for program administrative support.
- Agreement with the Chamber by Amending Article 3 to read: "The Owner shall compensate the Service Provider for actual administrative as follows: Administrative Costs not to exceed \$15,000 including up to \$5,000 to promote the program and up to \$10,000 for program administration and support. And fund the program through the Service Provider for up to \$200,000."

Council Member Pettey **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

Mayor Gabriel passed the gavel to Vice Mayor Molloy. He explained that the deliberation over the Shop Here All Year program that took place during the Council meeting of January 20, 2021 had raised a lot of good points about the need for grocery assistance to be included, but that he did not support including groceries in that program because it was targeted specifically towards businesses that had been financially impacted. Ordinance 3191-2021 will create a program to

address those specific grocery needs of City residents, and focused on helping people who need grocery assistance. He noted that he had heard some concerns about limiting the program to only include Kenai residents, but explained that the City only has a finite amount of money with which to best serve their constituents. While this may not help individuals living outside city limits who shop in Kenai, the Kenai Peninsula Borough or the City of Soldotna can help them by implementing the same kind of program, and this would result in the residents of Kenai not having to compete with non-residents for these dollars. He clarified that the application would be made as simple as possible with only a checkbox to self-certify eligibility. As with the Shop Here All Year program, the Chamber will be providing progress reports on the success of this program. Vice Mayor Molloy returned the gavel.

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend Ordinance No. 3191-2021 by striking Kenai residents and/or adding the word individuals in the following locations:

- On Kenai Grocery and Necessary Household Goods Program:
 1. Purpose to read: “To help ~~Kenai residents~~ individuals financially impacted by the COVID-19 Public Health Emergency double their money for the purchase of groceries and necessary household goods.”
 2. Program Description to read: “~~Kenai residents~~ individuals who self-certify that they have been financially impacted by the COVID-19 Public Health Emergency will receive vouchers in increments of \$100, up to \$200, after providing receipts from stores selling groceries and necessary household goods. Vouchers will be issued on a first-come, first-serve basis, concluding on April 30, or when funds run out. Vouchers must be spent by May 31, 2021. Voucher’s will be issued to a Kenai store selling groceries and necessary household items of the ~~resident’s~~ individual’s choice that are participating in the program and located in Kenai.
- On Ordinance 3191-2021:
 1. First Whereas to read: “WHEREAS, the COVID-19 Public Health Emergency has significantly impacted many ~~Kenai residents~~ individuals through lost income and or increased expenses; and,”
 2. Fourth Whereas to read: “WHEREAS, other data similarly shows an increase in financial hardship for ~~residents~~ individuals in the City, with more ~~residents~~ individuals behind on City water and sewer accounts now than prior to the Public Health Emergency and Homer Electric Association reports that it has a number of members in Kenai and other areas that have signed SB-241 Agreements indicating they are experiencing financial hardship due to the Public Health Emergency; and,”
 3. Seventh Whereas to read: “WHEREAS, the program will be funded up to \$200,000 plus an administrative fee and be administered by the Kenai Chamber of Commerce and Visitor Center, Inc. and will provide vouchers to local participating retail businesses selling groceries and necessary household goods in increments of \$100 up to a total of \$200 per ~~resident~~ individual who self certifies that they have been financially impacted by COVID-19 and who turns in receipts for groceries or necessary household goods up to \$200 from Kenai retail businesses in the months of March and April; and,”
 4. Tenth Whereas to read: “WHEREAS, these funds remain available in the General Fund if further assistance is necessary to support ~~residents~~ individuals and businesses that continue to be impacted by the COVID-19 pandemic; and,”
 5. Eleventh Whereas to read: “WHEREAS, the funding for this program can be attributed to some of the CARES Act funds the City had originally allocated to use for direct assistance to businesses, nonprofits, individuals and Kenai residents; and,”

6. Section 1 to read: "That the City Manager is authorized to establish a program up to \$200,000 to provide ~~Kenai residents~~ individuals who self-certify that they have been financially impacted by the COVID-19 Public Health Emergency, vouchers in \$100 increments up to \$200, to use at local retail establishments selling groceries or necessary household goods, upon submission of receipts from similar retail establishments on a dollar for dollar basis.

Council Member Winger **SECONDED** the motion.

Discussion on the amendment to Ordinance 3191-2021 included:

- Kenai being an area-wide commercial center;
- The contributions to the local economy;
- That it will bring comfort to our traditional customers and increase the velocity of dollars in our local economy;
- Corresponds with the objectives of companion Ordinance 3177-2021;
- A broad invitation to local shoppers is an indication of good policy;
- Mountain View Elementary has one of the highest rates of free or discounted lunches, and is a Title 1 school that is attended by many children of non-residents who come to Kenai for education and for grocery shopping;
- As of now, there is no talk of a program like this from the Kenai Peninsula Borough;
- These dollars are in the City of Kenai General Fund, and our job is to use them for the benefit of the City of Kenai and its residents;
- To expand the scope of participation beyond Kenai residents would be like using Capital Fund dollars to fund a project in Nikiski—it doesn't benefit Kenai residents;
- The self-certification box is not a significant deterrent to application. Self-certification is also consistent with other COVID-19 grant applications for businesses and non-profits, in which there is no proof needed.

Clarification was provided that if the amendment passes the title will need to be amended, but would not need to be re-advertised.

MOTION TO AMEND THE AMENDMENT:

Council Member Glendening **MOVED** to amend the title of Ordinance No. 3191-2021 to read: "AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND TO PROVIDE ASSISTANCE TO INDIVIDUALS IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY WITH THE PURCHASE OF GROCERIES AND NECESSARY HOUSEHOLD GOODS IN KENAI AND AWARD A PROFESSIONAL SERVICE AGREEMENT TO THE KENAI CHAMBER OF COMMERCE AND VISITORS CENTER FOR ADMINISTRATION OF THE PROGRAM." Council Member Winger **SECONDED** the motion.

Discussion on the amendment to Ordinance 3191-2021 continued:

- We're not the Borough or the City of Soldotna, and it's a bad precedent for us to spend City of Kenai General Fund dollars on Soldotna or Borough residents in the way this amendment would have us do;
- The General Fund was used to fund Ordinance No. 3177-2021 ("Shop Here All Year" program,) and it is appropriate to use it here. We can't parse out and say we can use general fund money for other programs and not for this;

- Not passing the amendment would send a wrong message that we're happy and grateful for outside money, but don't appreciate non-residents who shop here enough to include them in this program;
- This money originated from CARES Act funding that opened up money in our General Fund;
- The spirit of Ordinance No. 3177-2021 is to support all Kenai Peninsula residents, we should be offering this to our neighbors to participate in this and not just city residents;
- Many people living outside city limits consider Kenai their base and spend their money here;
- We would be jeopardizing the purpose of the program by having Kenai residents compete for these dollars with non-residents;
- A resolution was proposed for the Council to ask the Kenai Peninsula Borough Assembly to consider a similar program.

VOTE ON AMENDMENT TO THE AMENDMENT:

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

MOTION PASSED.

VOTE ON AMENDMENT:

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

MOTION PASSED.

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend by changing the Kenai Grocery and Necessary Household Goods Program, under Definitions, to read: "Stores Selling Grocery and Necessary Household Items include Kenai Walmart, Kenai Safeway, IGA, Three Bears, Maggie's General Store and Retail SNAP providers. Financially Impacted by the COVID-19 Public Health Emergency means, a person has lost income, or experienced increased personal expenses due to impacts from the COVID-19 public Health Emergency." Council Member Askin **SECONDED** the motion.

It was clarified that the list of stores listed in the agreement is not meant to be exclusive, and retail SNAP providers could already be considered as included in the scope of the program. Noted that we don't want to use SNAP providers as a strict definition, as it would best to approach this program with an attitude of lenience and use broader terms because there are a lot of ways "groceries and necessary household items" can be defined by individuals.

A suggestion was made for businesses to have printed marketing materials on-site to signify that they are participating in this program.

Concern was raised on the legality of using SNAP purchases for this program, noting that it would be inappropriate for people to use government money spent on groceries to receive more government money for groceries without spending out of their own pockets.

Vice Mayor Molloy changed the wording of his motion to replace “Retail SNAP Providers” with “Convenience Stores.” There was concurrence of the Second.

Clarification was provided that a list of convenience stores would be provided by Administration.

VOTE ON AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Winger **MOVED** to amend the budget of the program to \$335,000 with \$15,000 in administrative costs for a total of \$350,000. Glendening **SECONDED** the motion.

It was noted that this amendment would make this program’s budget equal to that of Ordinance No. 3177-2021 (“Shop Here All Year” program), and it would be good to see both programs run coherently with each other. Increasing the funding would allow for more people to participate, greater outreach, and for greater tax revenue. There is a great need for this, and allocating more money will help more people achieve food security in our community.

It was clarified that the increase in dollar amount does not include an increase for administrative costs, and if it was necessary they would bring an appropriation to Council in the future.

VOTE ON AMENDMENT:

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

MOTION FAILED.

MOTION TO AMEND:

Council Member Winger **MOVED** to amend by adding a bullet on Kenai Grocery and Necessary Household Goods Program under Participating Rules that reads: “SNAP and WIC are not eligible payments.” Council Member Glendening **SECONDED** the motion.

Concerns were expressed about people who receive SNAP using their benefits for the program, noting that the intent is to get money back into the economy as well as getting them access to food. It was stated that there should be some investment from the participants to get their vouchers, and it would not be appropriate for government money to be used to receive more government money. It was clarified that SNAP purchases are itemized on receipts and would be clearly identifiable.

VOTE ON AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.**MOTION TO AMEND:**

Council Member Winger **MOVED** to amend by adding a bullet on Kenai Grocery and Necessary Household Goods Program under Participating Rules that reads: "Tobacco and liquor are not eligible purchases." Council Member Glendening **SECOND** the motion.

VOTE ON AMENDMENT:

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

NAY:

MOTION PASSED UNANIMOUSLY.

Concerns were raised about allowing national chains and C corporations traded on the U.S. stock exchange to become voucher merchants when those businesses were excluded from being "Shop Here All Year" voucher merchants, and it was stated that it would be preferable if those vouchers were to go only to local businesses. Clarification was provided that the purpose of this program is primarily to help residents who were financially impacted by COVID-19, and we don't want to limit residents to only certain stores if that's not their preferred grocery store.

MOTION TO AMEND:

Council Member Winger **MOVED** to amend so that the only participating voucher merchant would be IGA/Country Foods, Three Bears Kenai, Maggie's General Store, any not C corporations traded on the U.S. stock exchange.

The motion died for lack of a second.

Clarification was provided that, although there is a legal limitation on using General Fund dollars for a public purpose, spending these dollars for non-residents to buy groceries meets that public purpose because it has the secondary effect of helping Kenai businesses.

Clarification was provided that the businesses that are identified by name in the program definitions will have to submit an application to the Chamber of Commerce to become participating voucher merchants.

VOTE ON MAIN MOTION AS AMENDED:

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

NAY:

MOTION PASSED UNANIMOUSLY.

1. **Ordinance No. 3182-2021** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue Fund for the 2021 Airport Sand Screening Project.

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3182-2021 and Council Member Glendening **SECONDED** the motion.

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

It was noted that the quantity and quality of the sand is vital to the safety and operations of the Kenai Airport, and that this is a great way of looking at some cost-saving.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3183-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department, and Accepting a Grant From the US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures.

MOTION:

Council Member Askin **MOVED** to enact Ordinance No. 3183-2021 and Council Member Glendening **SECONDED** the motion.

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

Police Chief Ross was thanked for all the hard work and extra effort the Kenai Police Department does for the community.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3184-2021** - Amending Kenai Municipal Code 23.30.050 – Business Hours and Hours of Work to Allow for Alternate Work Schedules in the Police Department.

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3184-2021 and Council Member Askin **SECONDED** the motion.

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

Chief Ross clarified that this would change the Kenai Municipal Code by removing language which specifies that police department staff work four shifts of ten hours per week, to which an exception has been made during the COVID-19 public health emergency. This would allow them to keep this beneficial schedule beyond the current emergency.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

4. **Ordinance No. 3185-2021** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Amending a Professional Services Agreement for the 2021 Airfield Drainage Rehabilitation Project at the Kenai Municipal Airport.

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3185-2021 and Vice Mayor Molloy **SECONDED** the motion.

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

Appreciation was expressed for the thoroughness of the memo from Public Works Director Curtin.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

5. **Ordinance No. 3186-2021** - Increasing Estimated Revenues and Appropriations in the General Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's General Fund.

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3186-2021 and Council Member Glendening **SECONDED** the motion.

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

It was noted that this reinforces previous Council discussions about the City of Kenai's Finance Department and their implementation of protocols, and Council is glad to know the money is well looked after by Finance Director Eubank.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

6. **Ordinance No. 3187-2021** - Increasing Estimated Revenues and Appropriations in the Airport Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's Airport Fund.

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3187-2021 and Council Member Knackstedt **SECONDED** the motion.

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

VOTE:

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

MOTION PASSED UNANIMOUSLY.

7. **Ordinance No. 3188-2021** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Wastewater Treatment Plant Improvements Capital Project Funds for a Replacement Sludge Press.

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3188-2021 and Council Member Askin **SECONDED** the motion.

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

Clarification was provided that previously, \$500,000 was appropriated through the budget for this project. Public Works hopes with this additional \$700,000 they will have enough to purchase the screw press and the design and construction, after which time they will know if an appropriation of additional funds is required to reach completion. The larger water and sewer fund has a significant fund balance, but Public Works Director has been working on a long-term capital improvement program for the wastewater treatment plant as well as the water and sewer facilities and early indications are that the funds are insufficient to cover those improvements. Administration may come to Council in the future to ask for rate modification to support these improvements

VOTE:

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

MOTION PASSED UNANIMOUSLY.

8. **Ordinance No. 3189-2021** - Increasing Estimated Revenues and Appropriations in the General Fund and the Public Safety Capital Project Fund to Provide Supplemental Funding to the Fire Department's Station Alerting Project and Authorizing a Purchase Order in Excess of \$15,000 to Kachemak Electric for Performance of the Work.

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3189-2021 and Council Member Knackstedt **SECONDED** the motion.

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

Appreciation was expressed for the well-explained memo from Fire Chief Prior.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

9. **Ordinance No. 3190-2021** - Increasing Estimated Revenues and Appropriations in the General Fund and Authorizing a Grant Disbursement Program for Small Businesses that Did Not Previously Apply for Full Assistance from the City in 2020.

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3190-2021 and Council Member Askin **SECONDED** the motion.

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

Administration was thanked for addressing this concern, noting that it is timely and thoughtful. It was noted that this would be money well-spent, and it shows that Kenai supports our businesses. Clarification was provided that businesses which are not located in Kenai, but whose owners are Kenai residents, will not qualify for a grant. It was explained that with this new opportunity, businesses would have to apply in the same way as the second round of business grants, but if they had received a grant during the second round they would not be eligible for this new grant disbursement program. Administration will go through a similar process of advertising as the second round of grants by using the City's website and social media, but will not be sending out a mailer. City Manager noted that he will reach out personally to several businesses that have contacted him before.

It was noted that some businesses outside the City had claimed to receive City money, and it was requested that Administration follow up on these claims of fraud and report back to the Council at next meeting.

It was noted that this could be beneficial for businesses who withheld from applying during the second round because they believed they weren't impacted anymore, but they are now. This is a second chance for them, it validates how important small businesses are to the City of Kenai and that we support them.

Clarification was provided that this would not exceed the limits that the Borough provided to businesses.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

- 10. Ordinance No. 3191-2021** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Assistance to Kenai Residents Impacted by the COVID-19 Public Health Emergency with the Purchase of Groceries and Necessary Household Goods in Kenai and Award a Professional Service Agreement to the Kenai Chamber of Commerce and Visitors Center for Administration of the Program.

[Clerk's note: During Agenda Approval this item was moved to the top of Public Hearings.]

- 11. Resolution No. 2021-08** - Awarding a Professional Services Contract at the Kenai Municipal Airport for Airport Security Guard Services.

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-08 and Council Member Askin **SECONDED** the motion.

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

It is noted that at the Airport Commission meeting of February 11, 2021 recommended approval of Guardian Security Services.

UNANIMOUS CONSENT was requested.

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

- 12. Resolution No. 2021-09** - Further Extending the Disaster Emergency Declaration for the City of Kenai Made on March 18, 2020 in Response to the COVID-19 Health Emergency.

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-09 and Council Member Glendening **SECONDED** the motion.

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

It was stated that it is important to extend this resolution, because there is still a lot of uncertainty surrounding the future of the COVID-19 Health Emergency. By keeping this emergency declaration in place, the City would have opportunity to participate in federal or state distributions. Noted that when we first started looking at this issue our world was very different. It was clarified that it is uncertain whether or not the City of Kenai would still be eligible to receive more federal funding if the declaration were not extended.

Discussion involved the State of Alaska's emergency declaration expiration, and the uncertainty of whether or not they can accept federal emergency funds. It was noted that the State is going on a path towards resiliency and it would be good see this for Kenai in the future, and doing so will require that the City plan for this future by getting its affairs in order now. The City currently has a moratorium on interest, penalties and shutoffs for nonpayment of water and sewer utilities, and it is preferable that Administration continue even after the emergency order if there is need.

Council's historical position on COVID-19 measures was delineated with references to policies and previously passed legislation (Resolutions 2020-19, 2020-27, 2020-75) which focused on the reduction on business and travel mandates and emphasis on personal responsibility for following safety precautions. It was clarified that there were no mandates associated with the emergency declaration, and this extension would be consistent with that.

UNANIMOUS CONSENT was requested.

Clarification was provided that the emergency declaration extension would also extend temporary leave to City employees along with the previously mentioned utilities exceptions, and if the City wants to keep these benefits in place after the emergency declaration expires it will require an Ordinance to be passed which can take up to 60 days to go into effect. It was noted that Administration will start to prepare one for that possibility.

It was noted that an Ordinance addressing the continuation of Zoom participation in Council meetings will be proposed at a future meeting.

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

E. MINUTES

1. *Regular Meeting of January 20, 2021.

Approved by the consent agenda.

2. *Regular Meeting Minutes of February 3, 2021.

Approved by the consent agenda.

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified.

Approved by the consent agenda.

2. ***Action/Approval** - Special Use Permit to State of Alaska - Division of Forestry for Apron Parking.

Approved by the consent agenda.

3. ***Ordinance No. 3192-2021** - Increasing Estimated Revenues and Appropriations in the General Fund Parks, Recreation and Beautification Department, and Authorizing an Increase to the Multi-Purpose Facility Management Services Purchase Order to Red Line Sports for Additional Ice Maintenance Services.

Introduced by the consent agenda and Public Hearing set for March 3, 2021.

4. ***Ordinance No. 3193-2021** - Accepting and Appropriating an Increase in the Title III Grant from the State of Alaska Department of Health and Social Services for Nutrition, Transportation and Support Services and a Grant from the United States Treasury Passed Through the State of Alaska Department of Health and Social Services to Support the Kenai Senior Center's Response to the COVID-19 Public Health Emergency.

Introduced by the consent agenda and Public Hearing set for March 3, 2021.

5. ***Ordinance No. 3194-2021** - Accepting and Appropriating Insurance Proceeds for Damage to Wellhouse Number One in the Water and Sewer Capital Projects Fund, Authorizing a Budget Transfer in the Water and Sewer Special Revenue Fund – Water Department, and Appropriating the Estimated Residual Amount Needed to Relocate the Damaged Facility to the Water and Sewer Complex on Shotgun Drive in the Water and Sewer and Water and Sewer Capital Project Funds.

Introduced by the consent agenda and Public Hearing set for March 3, 2021.

6. **Action/Approval** - Confirmation of Gwen Woodard, Nominated by the Mayor to Fill a Vacancy on the Planning and Zoning Commission.

MOTION:

Vice Mayor Molloy **MOVED** to confirm Mayoral Nominations for Appointment of Gwen Woodard to the Planning and Zoning Commission. Council Member Pettey **SECONDED** the motion.

It was clarified that there was another applicant for this seat, and they were contacted and are willing to keep their application on file for future vacancies. Noted that the other application was not included in the packet.

UNANIMOUS CONSENT was requested.

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

7. **Action/Approval** - Confirmation of Barbara Roland, Nominated by the Mayor to Fill a Vacancy on the Beautification Committee.

MOTION:

Council Member Askin **MOVED** to confirm Mayoral Nominations for Appointment of Barbara Roland to the Beautification Committee. Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

It was clarified that there are multiple vacancies on this committee and recruitment is ongoing.

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

8. Action/Approval - Letter Supporting Bluff Erosion Project Funding.

MOTION:

Vice Mayor Molloy **MOVED** to approve the Bluff Erosion Project funding letter as written. Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

9. Discussion - COVID-19 Response.

City Manager Ostrander reported that no employees are currently in COVID-19 protocol; Central Peninsula Hospital reported two hospitalizations, although this had been preceded by a long stretch of no hospitalizations up until today.

Discussion included an increase in usage at the Kenai Recreation Center usage and hockey rink, which represents a return to normalcy.

The vaccine transportation program was reported on, with a total of approximately 5-6 vouchers having been issued. It was noted that the low numbers could be due to the fact that many people in age group the program would primarily benefit have already been vaccinated prior to the program's initiation. It was also reported that the Beacon facility clinic went extremely well, with over 200 people vaccinated and the Kenai Fire Department receiving very positive feedback.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – Council Member Pettey reported on the meeting of February 11, 2021 in which they met in person. Noted she stopped by the Senior Center to take a personal tour of the new improvements to the facility. Next meeting March 11, 2021.
2. Airport Commission – Council Member Knackstedt reported on February 11, 2021. The Commission all attended in person and concurred it was much better way to handle meeting; everyone at dais was masked. Next meeting March 11, 2021.
3. Harbor Commission – Council Member Glendening attended and reported on the Harbor Commission meeting of February 8, 2021 in Vice Mayor Molloy's absence. Next meeting March 8, 2021.

4. Parks and Recreation Commission – Council Member Winger reported on Special Joint Meeting with the Beautification Committee of February 4, 2021. Next meeting March 4, 2021.
5. Planning and Zoning Commission – No report. Next meeting February 24, 2021.
6. Beautification Committee – Council Member Askin reported on special joint meeting with Beautification Committee of February 4, 2021. Next meeting April 13, 2021.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attended a conference call with Alaska Municipal League which discussed the role of home rule cities and the expiration of the State of Alaska's emergency declaration, including changes to mandates and vaccination;
- He and Vice Mayor Molloy participated in a radio segment on Sound Off to discuss and promote the "Shop Here All Year" and grocery programs, as well as the re-opening of applications to the second round of business grants;
- He and City Manager Ostrander are planning a presentation for the Chamber on March which will include important information for the business community.

J. ADMINISTRATION REPORTS

1. City Manager - City Manager P. Ostrander reported on the following:
 - Thanked Airport Manager Bondurant for her 23 years of service to the City before her retirement in May 2021;
 - Thanked the entire streets crew, recognizing that the hard work they do in the winter is the best on the Kenai Peninsula;
 - Addressed the ongoing discourse regarding the City of Kenai's business climate and economic activity. He reported that sales data for 2020 shows a 5.71% increase in sales tax over the previous year and almost \$600 million in gross sales, outperforming other cities in Alaska by a wide margin. Based on this data, Kenai is the best place to locate your business for the last two years, and Kenai is the where businesses come to thrive. The actions Council has taken in previous years has certainly helped. Banner ads that have been shared on social media were displayed to Council, as well as short looping videos that encourage people to move or visit;
 - Bluff Project update: RFP is out on the street and the bid opening is now March 4, 2021;
 - A "sledding closed" sign was placed at the top of a hill at the end of South Forest Drive. Has already received one complaint of government overreach as a result;
 - Fire Chief Prior was working on getting the city's Emergency Plan updated and it is one of his top priorities;
 - The pathway to the Doctor's Cabin is intended to be constructed soon, most likely this summer;
 - The group that was planning to construct a dog park at Daubenspeck Family Park will hopefully be renewing their efforts, and Parks & Recreation will reach out to try to get them to do so;

- A significant number of vehicles have been removed and towed away this winter, for which the City has a budget we are probably close to expending.
2. City Attorney – No report.
 3. City Clerk – No report.

K. ADDITIONAL PUBLIC COMMENT

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

Steve Carlson expressed concern about government overreach by President Biden, including shutting down oil and gas activities, airport mask mandates and potential vaccine mandates. He encouraged Council to pass a resolution stating that they would not abide by these mandates.

2. Council Comments

Council Member Winger stated that she missed having a student representative on the Council, and mentioned upcoming high school events such as sports and drive-in movie nights. She noted that she appreciated the support from the hockey community, and is looking forward to moving into a phase of resilience after COVID-19. She also addressed the issue of homelessness in the area, stating that she would like to see the City take action to address this issue.

Council Member Glendening observed that the community seems to be returning to normal, and that people want to be able to get back together. He also received appreciation from hockey families. He attended the Chamber of Commerce meeting, and heard Tim Dillon of the Kenai Peninsula Economic Development District note that many people are moving to Kenai from in-state, and that Kenai is an attractive place to be. He is looking forward to COVID-19 being behind us and getting back to normal.

Council Member Askin noted she is looking forward to seeing the grocery program kick off, and expressed her appreciation for the hard work of the Streets crew.

Council Member Pettet thanked the Streets crew for their hard work. She stated she is glad the City put forward the grocery ordinance to help the community, and thanked the Council and Administration for all of their hard work and what they have done to promote and provide vitality for small businesses.

Vice Mayor Molloy stated he was glad to see Ordinance 3191-2021 pass, as well as for the City Manager's report on sales tax and the success of the Kenai business community. Noted that he also attended Tim Dillon's presentation at the Chamber of Commerce, and found the new additions to their website very interesting and useful. He noted his Sound Off radio segment with Mayor Gabriel, and also that he is pleased with the data that had been provided by the Chamber of Commerce about "Shop Here All Year" and expects to see it expand exponentially.

Council Member Knackstedt mentioned that he also attended the Chamber of Commerce luncheon where he too was impressed by the Kenai Peninsula Economic Development District's website upgrades, and was glad to see that we have local talent that helped to design the site. He thanked the Clerk and Deputy Clerk for the seamless operations during the Clerk's leave.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000.
2. State Department/Emergency Amendment Mask Implementation FAQ

There being no further business before the Council, the meeting was adjourned at 9:54 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of February 17, 2021.

Jamie Heinz, CMC
City Clerk

DRAFT

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: MARCH 3, 2021**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	91,897.44
REBORN AGAIN JANITORIAL	JANUARY SERVICES	AIRPORT	REPAIR & MAINTENANCE	4,231.25
PREMERA BLUE CROSS	FEBRUARY PREMIUM	VARIOUS	LIABILITY	226,486.61

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3195-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING FUNDS IN THE AIRPORT FUND, AND ACCEPTING GRANTS FROM THE FEDERAL AVIATION ADMINISTRATION UNDER THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATION ACT, 2021.

WHEREAS, on February 12, 2021, the U.S. Secretary of Transportation announced that the Kenai Municipal Airport is eligible for funds under the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260); and,

WHEREAS, these funds are intended to assist airport sponsors in addressing the COVID-19 public health emergency; and,

WHEREAS, the Federal Aviation Administration will distribute these funds under the new Airport Coronavirus Response Grant Program; and,

WHEREAS, the Kenai Airport is eligible for \$1,282,840 for costs related to operational expenses directly related to the Airport incurred on or after January 20, 2020; and,

WHEREAS, the Kenai Municipal Airport is also eligible for \$20,398 to provide relief from rent and minimum annual guarantees to airport concessions; and,

WHEREAS, keeping the Airport in reliable, safe operation is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That the City Manager is authorized to accept a grant in the amount of \$1,282,840 for operational expenses and a grant in the amount of \$20,398 for airport concession relief.

Section 2. That the estimated revenues and appropriations be increased as follows:

Airport Fund:

Increase Estimated Revenues –	
Federal Grants	<u>\$1,303,238</u>

Increase Appropriations –	
Administration - Contingency	<u>\$1,303,238</u>

Section 3. That the City Manager is authorized to accept grant funding for \$1,303,238 from the Federal Aviation Administration and to execute grant agreements and to expend grant funds to fulfill the purpose and intent of this ordinance.

Section 4. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


Section 5. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 17th day of March, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: March 3, 2021
Enacted: March 17, 2021
Effective: March 17, 2021



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Mary Bondurant, Airport Manager

DATE: February 22, 2021

SUBJECT: **Ordinance 3195-2021 – Kenai Airport CRSSA Grants**

On February 12, 2021, the City received two Applications for Federal Assistance from the Federal Aviation Administration for funds under the Coronavirus Response and Relief Supplemental Appropriations Act:

- \$1,282,840 – Funds may be used for operational expenses defined as expenses necessary to operate, maintain, and manage an airport. This includes expenses for payroll, utilities, service contracts and items generally having a limited useful life, including protective equipment and cleaning supplies.
- \$20,398 – Funds to provide relief from rent and minimum annual guarantees to on-airport parking, on-airport car rental, and in-terminal airport concessions.

The City Manager submitted the grant applications on February 19, 2021 for a total of \$1,303,238.

Ordinance 3195-2021 provides legislative action designating authority for execution of the grants and appropriation of the grant offers.

Thank you for your consideration.



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, City Clerk
DATE: February 24, 2021
SUBJECT: **Beautification Committee Appointment**

In October 2020, Kaye Reed resigned her position on the Beautification Committee. Sarah Douthit has applied and Mayor Gabriel has nominated her to fill the vacancy. The term for this seat expires December 31, 2022.

Kenai Municipal Code (KMC) 1.90.010 requires Council confirmation of nominations presented by the Mayor.

Your consideration regarding confirmation is appreciated.

From: [Sarah Douthit via Kenai, Alaska](#)
To: [City Clerk](#)
Subject: Form submission from: Commission/Committee Application
Date: Monday, February 15, 2021 9:04:59 AM

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

Submitted on Monday, February 15, 2021 - 9:04am
Submitted by anonymous user: 24.237.252.191
Submitted values are:

Date: Mon, 02/15/2021

Name: Sarah Douthit

Resident of City of Kenai? Yes

If resident, how long? 12 years

Residence Address: 12 years

Mailing Address:

Home Telephone: 907-395-0828

Home Fax:

Business Telephone: 907-690-3783

Business Fax:

Email address: sarah@douthits.com

May we include your contact information on our website? Yes, but not all (specify below)

If not all, what may we include? Not home address please.

Employer: Kenai Peninsula Driving Instruction LLC

Job Title: Administrator

Name of Spouse: Alex Douthit

Current Membership Organization: N/A

Past organizational memberships: Kenai River Sportfishing Association

Committees or commissions in which you are interested: Beautification Committee

Why do you want to be involved with this commission or committee? Being involved in my home community is a priority of mine. I am interested in the beautification committee because I would enjoy being a part of making our community even more beautiful. I have always enjoyed the flowers thought out town in the summer months and would enjoy being a part of the planning and preparation that makes these displays happen. Beautification is an important part of any city and a great way to support our community.

What background, experience, or credentials do you possess to bring the board, commission, or committee membership? I have previously worked with non-profit organizations planning and creating beautiful displays, delegating duties and working within a budget. I am detail oriented and work well under deadlines. I spend a large amount of time biking around our community during the summer months and am familiar with Kenai as it has been my home for 12 years. I appreciate the opportunity to apply.

The results of this submission may be viewed at:
<https://www.kenai.city/node/2601/submission/7341>



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

CC: City Manager, City Clerk, City Attorney

FROM: Bob Molloy, Vice Mayor

DATE: February 23, 2021

SUBJECT: **Remote Electronic Participation in Council Meetings by Council Members Only; and/or by Council Members and the Public**

Due to the COVID-19 Public Health Emergency, the City Council suspended ordinances affecting procedures for conducting public business. The Council and Administration modified how the Council and the City's Commissions and Committees conduct public meetings during the public health emergency. For council meetings, remote electronic participation by council members and the public was allowed; the Council uses a hybrid procedure at present.

When the City's declaration of the COVID-19 Public Health Emergency ends, these modifications for how public meetings are conducted also will end. For council members at council meetings, **KMC 1.15.130 Telephonic participation** will apply, so the means for a council member's remote participation will be limited to participation by telephone only.

For a Council discussion of how the Council wants to move forward post- COVID-19 Public Health Emergency, I asked the City Clerk to provide a memo on what would be required, including estimated costs:

(1) if **KMC 1.15.130 Telephonic participation** is amended to allow a council member the option to participate remotely by electronic means, such as by Zoom (and not be limited to telephone); and;

(2) if the public is allowed to participate remotely by electronic means, such as by Zoom, including telephone).

Thank you to the City Clerk for providing that memo to facilitate this discussion.

Council's consideration is appreciated.



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, City Clerk
DATE: February 22, 2021
SUBJECT: **Remote Electronic Participation in Council Meetings by Council Members and the Public**

I was asked to provide the following information for discussion regarding a potential future code amendment to allow City Council Members and the public to attend City Council meetings telephonically and/or virtually.

Cost:

Due to the COVID-19 Public Health Emergency, the City purchased Zoom licenses to facilitate virtual and virtual/in-person hybrid meetings for Council/Commissions and the public. We currently have a user license, a room license for a waiting room, and audio conferencing. The annual cost for these features is \$1,850.

It is likely that, once it is decided we can safely move back to in-person meetings, we could eliminate audio conferencing and that would save \$1,200 annually. Audio conferencing provides a toll-free number and is used to dial the Council Chambers phone into the meeting; it has also been given to the Commissioners who didn't have devices needed to connect virtually to the meetings. Once we are back in-person, Council Chambers can call the long distance number. The long distance tolls would be less than the \$100 per month charge.

If we continue to allow the public to attend virtually, I recommend keeping the room license for the waiting room. The cost for this is \$500 annually. This is a safeguard in place that if someone is intentionally disruptive, they can be moved to the "waiting room" so that our meeting can continue without the disruptive participant.

If it is decided that the public needs to attend in-person and only want to make virtual attendance available to Council members, we would be able to eliminate the waiting room feature as well because the connection information wouldn't be posted on the internet; it would only be provided to the Council member or person connecting virtually. This leaves us with the \$150 annual fee for the user license and toll charges for long distance to connect the Council Chambers/audio system to the virtual meeting platform.

As currently written, there is typically no fee to the City for a Council Member to teleconference into a meeting. It's been my experience over the last several years that the Council Member participating telephonically uses their local cell phone number to be reached at.

As you know, those participating virtually cannot currently see into the room. If it was decided to, another webcam to connect to the virtual meeting platform could be obtained so those participating virtually could see into the room. The cost for that would likely not exceed \$500.

Public Participation:

When considering allowing the public to virtually participate in Council meetings after it's decided that it is safe to resume in-person meetings, please consider that doing so requires participation information (links and phone numbers) be provided on the agenda to comply with Open Meetings Act. Our agenda is published on our website and anyone could find and connect to our meetings. During Soldotna's annexation hearing before the Local Boundary Commission, a person who lived in Dillingham commented against their proposed annexation. It could be that if something happening in Kenai gains significant media attention, people off the Kenai Peninsula may participate and comment during our meetings if we allow for virtual public participation.

Allowing virtual public participation would not require a code change but it might make sense to put it into a new policy. We went away from having the public sign up to speak or testify before I started in the Clerk's Office but requiring sign-ups again would help us to be more orderly about public comments and public testimony. It's been somewhat awkward and difficult for the Mayor and I to manage not knowing if someone attending virtually wants to speak or testify and ensuring they know how they can get recognized if they do. If it's decided that we move forward with virtual public participation, it is possible that a policy can be enacted at the same time as the ordinance amending code for Council participation.

Your consideration is appreciated.



1.15.130 Telephonic participation.

- (a) A member of the Council may participate via telephone in a Council meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Mayor chooses to participate via telephone, the Vice-Mayor or president pro tempore shall preside.
- (b) No more than the first three (3) members to contact the Clerk regarding telephonic participation in a particular meeting may participate via telephone at any one (1) meeting unless it is a special meeting called to consider an emergency action, in which case all members may participate telephonically.
- (c) The member shall notify the Clerk's office as soon as reasonably practical, but not less than two (2) hours prior to the start of the Council meeting that the member proposes to attend by telephone. Such notification shall state the reason for telephonic participation and shall provide the telephone number, and any available facsimile, email, or other document transmission service. Failure to provide the notification within the period of time provided herein shall result in the member's exclusion from attendance of a Council meeting through telephonic participation. The Clerk shall notify all Council members of the request.
- (d) At the meeting, the Clerk shall establish the telephone connection when the call to order is imminent.
- (e) A member participating by telephone shall be counted as present for purposes of discussion, voting, constituting a quorum and attendance.
- (f) The member participating by telephone shall make every effort to participate in the entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection.
- (g) The member participating by telephone may ask to be recognized by the Chair to the same extent as any other member.
- (h) To the extent reasonably practicable, the Clerk shall provide backup materials to members participating by telephone at the member's expense.
- (i) If the telephone connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled and the Clerk shall attempt to establish or restore the connection.
- (j) Meeting times shall be expressed in Alaska time regardless of the time at the location of any member participating by telephone.
- (k) Participation by telephone shall be allowed for regular, special and work session meetings of the Council.
- (l) Remarks by members participating by telephone shall be transmitted so as to be audible by all members and the public in attendance at the meeting, provided that in executive session the remarks shall be audible only to those included in the executive session.
- (m) As used in these rules, "telephone" means any system for synchronous two (2) way voice communication. "Mayor" includes the Vice-Mayor or any other member serving as president pro tempore.

- (n) Each Council member may attend a maximum of four (4) regular meetings by teleconference during the twelve (12) month period starting November 1st of each year unless an exception provided below applies and any number of special meetings or work sessions.
- (o) A Council member may attend an additional two (2) meetings by teleconference during a twelve (12) month period starting November 1st of each year if the member declares that he or she is physically unable to attend the meeting due to the need for extended medical care and treatment of the member or extended medical care and treatment or death of the member's immediate family.
- (p) A Council member may attend an additional two (2) meetings by teleconference during a twelve (12) month period starting November 1st of each year when the member is traveling on Council approved City business.
- (q) In this section, "immediate family" means the spouse of the person, another person cohabitating with the person in a conjugal relationship that is not a legal marriage, a child (including a stepchild or foster child) of the person, a parent, sibling, grandparent, aunt or uncle of the person, or a parent or sibling of the person's spouse.
- (r) In this section "City business" means anytime a member is traveling or in a location outside the City on behalf of the City or attending training, as approved by Council and in compliance with the Council Travel Policy.
- (s) In this section "emergency action" means any action which in the judgment of Council is necessary for the immediate preservation of public peace, health or safety.

(Ords. 2130-2005, 2168-2006, 2203-2006, 2701-2013, 2813-2015, 2981-2017)

The Kenai Municipal Code is current through Ordinance 3163-2020, passed October 21, 2020.

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.kenai.city](http://www.kenai.city)

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MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Scott Bloom, City Attorney
DATE: February 26, 2021
SUBJECT: **City of Kenai Delinquent Utility Accounts**

Pursuant to the City's Disaster Emergency Declaration, on March 26, 2020 the City Manager issued Executive Order No. 2, that provided that penalty and interest would not accrue on commercial and residential water and sewer accounts, and that these services would not be shut off during the Disaster Declaration as long as the customer certified they were impacted by COVID-19. This Executive Order, which supersedes city code will expire as soon as the Disaster Declaration expires, and pursuant to city code, the balance due on delinquent accounts will begin to accrue penalty and interests and be subject to shut off.

There are currently 29 accounts that completed the COVID-19 impact paperwork to avoid shutoff. The balance on these accounts is approximately \$21,000. Compared to 2020, the Water and Sewer Account is carrying about \$22,000 more debt this year, or a 43% increase compared to a year ago. Accounts that did not submit COVID-19 impact paperwork and are delinquent are subject to shut off. Administration is seeking guidance from the Council on how to proceed with the delinquent accounts that have submitted COVID-19 impact paperwork when the Emergency Declaration ends. Potential options include:

1. Do Nothing. When the Disaster Declaration expires, delinquent accounts would become due and begin to acquire penalty and interest on past due amounts. Shut off tags would be hung on accounts with at least two months delinquency. Shut offs would occur approximately 7 days after hanging of the notices if no payments were received or payment agreements entered into. The legal department would additionally file liens on properties with balances due after transfer from the finance department.
2. Enact an Ordinance to Provide a Grace Period. Council could enact an ordinance that does not change existing code, but provides a grace period after the expiration of the Disaster Declaration, giving customers a period of time to get caught up without facing shut off or accruing penalty or interest. Conditions could be imposed such as a minimum payment amount, or execution of a payment plan, including the option of assigning PFD's to the City to ensure payment progress is occurring and the customers are not continuing to fall further behind. Payment plans could include terms such as not continuing to accrue penalty and interest as long as mutually agreed minimum payments are timely made. Currently, the City's practice is to accept formal payment plans that have a duration not

exceeding two years, interest continues to accrue as well as penalty depending on the circumstances, and a confession of judgement securing the debt is required.

3. Forgive the Debt. Council could enact an ordinance forgiving the debt. The Water and Sewer fund is funded exclusively by water and sewer customers and has not been positively impacted by any CARES Act Funds. Specific Federal guidance prohibited the use of CARES Act funds to replace unpaid utility fees. This action would increase the burden on utility customers that are current in their payments to the City, unless other funding is provided.

Administration recommends some form of Option No. 2.



PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: MARCH 3, 2021

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
STAMPS.COM	CITY HALL POSTAGE	NON-DEPARTMENTAL	POSTAGE	3,500.00
BIO-AQUATIC TESTING	WET TESTING	WWTP	PROFESSIONAL SERVICES	3,400.00
DIJULIO DISPLAYS	CUSTOM BANNERS	RECREATION & AIRPORT	OPERATING SUPPLIES	5,341.60