



Kenai City Council - Regular Meeting

September 06, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 3****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items 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 ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **Ordinance No. 3368-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Operations Facility Capital Funds to Provide Supplemental Funding for the Kenai Municipal Airport Operations Facility Boiler and HVAC Controls Replacement Project. (Administration)
2. **Ordinance No. 3369-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Procure Consumables for Aircraft Rescue and Fire Training Operations at the Alaska Fire Training Facility. (Administration) [*KMC 1.15.070(d)*]
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Enactment (Requires Five Affirmative Votes)
3. **Resolution No. 2023-53** - Authorizing a Budget Transfer in the Vintage Point Congregate Housing Improvement Capital Fund, and Authorizing a Construction Agreement and Corresponding Purchase Order for the Vintage Point Boiler and Controls Replacement Project. (Administration)
4. **Resolution No. 2023-54** - Authorizing a Professional Services Agreement and Corresponding Purchase Order for the Lilac Lane Roadway Improvements Project. (Administration)
5. **Resolution No. 2023-55** - Denying the Requested Exceptions to Kenai Municipal Code Section 14.10.070, Subdivision Design Standards and Granting Exceptions to Kenai Municipal Code

Section 14.10.080, Minimum Improvements Required for Strawberry Hill Estates 2023 Addition
Preliminary Plat. (Administration)

F. MINUTES

- [1.](#) *Special Meeting of August 11, 2023. (City Clerk)
- [2.](#) *Regular Meeting of August 16, 2023. (City Clerk)

G. UNFINISHED BUSINESS

- [1.](#) **Resolution No. 2023-49** - Declaring the Rights-of-Way of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) are No Longer Needed for a Public Purpose and Consenting to Vacation of the Rights-of-Way. (Administration) *[At the 08/02/23 meeting, this item was postponed to 09/06/23.]*

H. NEW BUSINESS

- [1.](#) ***Action/Approval** - Bills to be Ratified. (Administration)
- [2.](#) ***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for Kenai Joe's Taphouse, LLC, DBA Kenai Joe's Taphouse, LLC – License No. 626. (City Clerk)
- [3.](#) ***Action/Approval** - Non-Objection to the Transfer of Ownership of a Restaurant Eating Place Liquor License and Restaurant Designation Permit for Jersey Subs AK LLC., DBA: Jersey Subs AK - License No. 5900. (City Clerk)
- [4.](#) ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts, LLC., DBA Herban Extracts LLC - License No. 14432. (City Clerk)
- [5.](#) ***Action/Approval** - Special Use Permit for Corvus Airlines, Inc. DBA Ravn Alaska, LLC for Use of 1,200 Square Feet of Warm Storage of a De-Ice Vehicle. (Administration)
- [6.](#) ***Action/Approval** - Consent to Assignment and Assumption of Lease Agreement, of Lot 3, Block 1, General Aviation Apron No. 1 Amended to Vickie L. Tyler. (Administration)
- [7.](#) ***Ordinance No. 3370-2023** - Accepting and Appropriating Fiscal Year 2023 Funds from the Sign Research Foundation for the Sign Research Foundation Scholarship Program. (Administration)
- [8.](#) **Discussion** - Marijuana Walk/Drive Up Regulations. (Legal)

I. 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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION**N. PENDING ITEMS****O. ADJOURNMENT****P. INFORMATION ITEMS**

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/82088608349>

Meeting ID: 820 8860 8349 **Passcode:** 358169

OR

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

Meeting ID: 820 8860 8349 **Passcode:** 358169



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3368-2023**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE AND AIRPORT OPERATIONS FACILITY CAPITAL FUNDS TO PROVIDE SUPPLEMENTAL FUNDING FOR THE KENAI MUNICIPAL AIRPORT OPERATIONS FACILITY BOILER AND HVAC CONTROLS REPLACEMENT PROJECT.

WHEREAS, MBA Consulting Engineers, Inc. contracted with the City on October 31, 2022 to develop bid ready construction documents for the Kenai Municipal Airport (KMA) Operations Facility Boiler and HVAC Controls Replacement project; and,

WHEREAS, during the course of their work in developing the project numerous issues relating to the facility's mechanical system have come to light; and,

WHEREAS, the scope of the project will now include replacement of both existing boilers, and replacement of multiple failed zone control valves within the heating system; and,

WHEREAS, this additional scope of work requires appropriation of additional funds in order for the project to be released for bid; and,

WHEREAS, construction documents have been finalized and the project is ready for bid release pending Council's approval of this Ordinance; and,

WHEREAS, completion of this work will significantly reduce the utility costs for this facility and safeguard the City's investment in the apparatus equipment stored within this facility; and,

WHEREAS, staff is coordinating with the Federal Aviation Administration to determine if the project is eligible for Airport Improvement Program grant funding.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. That the estimated revenues and appropriations be increased as follows:

Airport Special Revenue Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$350,000</u>

Increase Appropriations –	
Transfer to Airport Operations Facility Capital Project Fund	<u>\$350,000</u>

Airport Operations Facility Capital Project Fund:

Increase Estimated Revenues –	
Transfer from Airport Special Revenue Fund	<u>\$350,000</u>

Increase Appropriations:
KMA Operations Facility Boiler & HVAC Controls Replacement Project –
Construction \$350,000

Section 2. 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 3. 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 6TH DAY OF SEPTEMBER, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____



Introduced: August 16, 2023
Enacted: September 6, 2023
Effective: September 6, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Public Works Director
DATE: August 9, 2023
SUBJECT: Ordinance 3368-2023

The Kenai Municipal Airport Operations Facility Boiler and HVAC Controls Replacement project is now approaching construction bid release. The design team and public works staff have worked through several ongoing issues with identifying failed zone control valves and their effect on the building's control system. The project scope has now grown from the intention of replacing one boiler and a few control points, to replacing both boilers and restoring all zone controls to working condition.

The facility and existing equipment were constructed in 2002. We typically hope to get 25 years out of our commercial boilers and are falling a little short in this case. The additional cost to continue running the equipment in this manner along with the increased risk to the facility due to long lead times on equipment replacements were the determining factors in addressing these concerns now.

The boilers specified for the project are the same make and models used in the Vintage Point project as well as in current use at the Alaska Regional Fire Training facility. Staff is familiar with working on these, and the equipment's newer technology has provided proven energy savings. The Airport Manager and Public Works Director are coordinating with our FAA counterparts to establish a grant to assist with paying for these improvements.

The Operations Facility houses equipment of significant cost and importance to the City. Completion of this project at this time is in the best interest of the City. Council's approval is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3369-2023**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT FUND TO PROCURE CONSUMABLES FOR AIRCRAFT RESCUE AND FIRE TRAINING OPERATIONS AT THE ALASKA FIRE TRAINING FACILITY.

WHEREAS, the City entered into Memorandum of Agreements (MOA's) with the State of Alaska - DOT/PF Statewide Aviation (SWA) and the State of Alaska - DOT/PF Ted Stevens International Airport (ANC) agreeing to work cooperatively in operation of the Alaska Fire Training for the calendar year 2023; and,

WHEREAS, a stipulation of the MOA's is the Airport will bill and SWA and ANC will pay the actual costs of all training consumables; and,

WHEREAS, the Aircraft Rescue and Fire Fighting training courses scheduled for the month of September 2023 include live fire drills; and,

WHEREAS, the live fire drills require propane, the tank is nearly empty, and there were insufficient funds budgeted in FY2024 operating supplies at the Alaska Fire Training Facility; and,

WHEREAS, due to time constraints associated with the ARFF training courses starting September 7, 2023, City Administration is requesting introduction and approval of this Ordinance at the meeting of September 6, 2023; and,

WHEREAS, pursuant to KMC 1.15.070(d) the City may introduce and finally pass on the same day, an ordinance making, repealing, transferring or otherwise changing an appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. That the estimated revenues and appropriations be increased as follows:

Airport Fund:

Increase Estimated revenues	
Appropriation of Fund Balance	<u>\$25,000</u>
Increase Appropriations	
Transfer to Alaska Fire Training Facility – Operating Supplies	<u>\$25,000</u>

Section 2. 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 3. 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 6TH DAY OF SEPTEMBER, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____



Introduced: September 6, 2023
Enacted: September 6, 2023
Effective: September 6, 2023



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Mary Bondurant, Airport Manager
DATE: August 28, 2023
SUBJECT: **Ordinance No. 3369-2023 Appropriation of Funds**

This memo recommends support of Ordinance No. 3369-2023 appropriating funds into Operating Supplies at the Alaska Regional Fire Training Facility for propane.

There are insufficient funds in the FY2024 operating budget to cover the cost of propane.

Authorization of this \$25,000 will provide the propane necessary to conduct the live fire drills during the month of September 2023.

Thank you for your consideration.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2023-53**

A RESOLUTION AUTHORIZING A BUDGET TRANSFER IN THE VINTAGE POINT CONGREGATE HOUSING IMPROVEMENT CAPITAL FUND, AND AUTHORIZING A CONSTRUCTION AGREEMENT AND CORRESPONDING PURCHASE ORDER FOR THE VINTAGE POINT BOILER AND CONTROLS REPLACEMENT PROJECT.

WHEREAS, a formal Invitation to Bid for the Vintage Point Boiler and Controls Replacement Project was released on August 2, 2023 with Bids due on August 28, 2023 with the following bids received:

Bidders	Base Bid Total	Additive Alt 1	Total Bid
Orion Construction, Inc.	\$ 399,400.00	\$ 104,450.00	\$ 503,850.00
Norcoast Mechanical	\$ 450,000.00	\$ 114,000.00	\$ 564,000.00
Ameresco, Inc.	\$ 451,927.00	\$ 241,800.00	\$ 693,727.00
Sturgeon Electric Company, Inc.	\$ 592,460.00	\$ 200,150.00	\$ 792,610.00

; and,

WHEREAS, Orion Construction, Inc. was found to be the lowest responsive and responsible bidder; and,

WHEREAS, current funding in support of the project totals approximately \$383,000 and this Resolution transfers an additional \$170,000 to award the contract while providing \$30,000 in project contingency and approximately \$20,000 in administration costs; and,

WHEREAS, award to Orion Construction, Inc. is in the best interest of the City; and,

WHEREAS, this project also includes the supply and installation of a backup generator for the facility which was bid as Additive Alternate 1, for which Council provided \$100,000 in funding through adoption of the FY2024 Capital Improvement Plan and passage of the FY2024 Annual Budget.

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

Section 1. That the City Manager is authorized to reallocate the existing capital projects funds as detailed below:

Congregate Housing – Congregate Housing Capital Project Fund:

Decrease Expenditures:

Apartment Kitchen / Bathroom Remodel project - Construction \$170,000

Increase Expenditures:

Vintage Pointe Boiler Design & Replacement project - Construction \$170,000

Section 2. That the City Manager is authorized to execute a construction contract with Orion Construction, Inc. in the amount of \$503,850 and to issue a corresponding purchase order in that same amount, and that \$30,000 shall be available as project contingency for the processing of change orders and with the remaining funds available for city administration costs.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 6TH DAY OF SEPTEMBER, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____





MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Public Works Director
DATE: August 29, 2023
SUBJECT: **Resolution 2023-53**

The Vintage Point Boilers & Controls Replacement Project was released for formal bidding on August 2, 2023 with bids due on August 28, 2023. The project will replace one large boiler, that is original to the facility and at the end of its useful life, with two new high efficiency condensing boilers including replacements of the circulation pumps. Additionally, a backup power generator as previously requested by the Council on Aging, is included with this work and was bid as Additive Alternate 1.

Bids came in higher than originally anticipated and require the budget transfer included within this Resolution. Completion of this project is the highest priority for Congregate Housing. The funds taken from the Kitchen / Bath Remodel project will be restored within the Capital Improvement Plan as budget and funding allows. Council can expect to see updated information regarding that project within next years FY2025-2029 Capital Improvement Plan.

The additional costs are largely associated with the need to maintain facility heat and hot water at all times during construction. The mechanical room is not large enough to install the new boilers before removing the old one. This requires the use of temporary heat for a period of time until the new boilers can become operational.

The successful completion of this project is expected to have significant cost savings for the facility. The newer technology is much more efficient than the old cast iron boiler. The facility now having two boilers will make servicing of the units less complicated as one unit can be taken down while the other remains in service. Having two operational boilers also provides improved resiliency to the facility, limiting the likelihood of emergencies resulting in significant cost impacts to the residents and the City.

It should also be noted that the two existing water heaters for the facility are not being replaced with this project at this time. Their current condition was not as bad as the existing boiler. They will be connected to the new boilers and placed on the Capital Improvement Plan for replacement four to five years from now.

Completion of this project is in the best interest of the City. Council's approval is respectfully requested. Photos below are of the items used as the basis of design.



Benchmark Platinum

750 - 6000 MBH





Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2023-54**

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT AND CORRESPONDING PURCHASE ORDER FOR THE LILAC LANE ROADWAY IMPROVEMENTS PROJECT.

WHEREAS, a formal Request for Proposals was released on August 8, 2023 with proposals due on August 28, 2023 for the Lilac Lane Roadway Improvements project located between the Kenai Spur Highway and Cook Inlet View Drive; and,

WHEREAS, the following proposals were received and scored by the department:

Firm Name	Score	Cost
Professional & Tech. Services (PTS)	232.0	\$107,215
Bell & Associates	223.4	\$89,000
Nelson Engineering PC	277.6	\$38,840

; and,

WHEREAS, Nelson Engineering PC was determined to have provided the highest scoring proposal; and,

WHEREAS, award to Nelson Engineering PC is in the best interest of the City; and,

WHEREAS, funding for this project is provided within the Municipal Roadway Improvements Capital Fund and through council's approval of the FY2024 Capital Improvement Plan.

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

Section 1. That the City Manager is authorized to execute a contract award and corresponding purchase order to Nelson Engineering PC in the amount of \$38,840.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 6TH DAY OF SEPTEMBER, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____
DS



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Scott Curtin, Public Works Director
DATE: August 29, 2023
SUBJECT: Resolution 2023-54 – Lilac Lane Road Improvements Project

The purpose of this memo is to request Council's approval to award a professional services agreement to Nelson Engineering PC in support of the Lilac Lane Roadway Improvements Project. A formal Request for Proposal (RFP) was released on August 8, 2023 with three proposals received by the City on August 28, 2023. Nelson Engineering PC was determined to have provided the highest scoring proposal.

Firms were evaluated and scored on the following criteria:

- Firm Experience / Qualifications 25%
- Key Staff / Subconsultants Experience & Qualifications 25%
- Firm's Methodology / Approach / Time line 25%
- Cost of Services 25%

Lilac Lane was constructed in 1986, is 1520' in length and 30' wide with concrete curb and gutter. The 2009 Roadway Improvement Survey listed the road in poor condition at that time, and conditions have only continued to deteriorate since then.

Once under contract, Engineer's will release surveyors to document current conditions and grades before winter sets in. Design work will continue over the winter with the intention of constructing throughout next summer.

Funding for this design work resides within the Municipal Roadway Improvements Capital Fund approved through the FY2024 Annual Budget.

Council's support for the project is respectfully requested.

Site map attached.





Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2023-55**

A RESOLUTION DENYING THE REQUESTED EXCEPTIONS TO KENAI MUNICIPAL CODE SECTION 14.10.070, SUBDIVISION DESIGN STANDARDS AND GRANTING EXCEPTIONS TO KENAI MUNICIPAL CODE SECTION 14.10.080, MINIMUM IMPROVEMENTS REQUIRED FOR STRAWBERRY HILL ESTATES 2023 ADDITION PRELIMINARY PLAT.

WHEREAS, Kenai Municipal Code Section (KMC) 14.10.090 *Variations and exceptions* allows for the City Council to vary or modify the minimum subdivision requirements, after a report by the Planning and Zoning Commission so that the subdivider may develop the property in a reasonable manner while at the same time protecting the public welfare and interests of the City, surrounding areas, and general intent and spirit of the development requirements when the tract to be subdivided is of unusual shape or size or is surrounded by such development or unusual conditions that strict application of the improvement requirements would result in real difficulties, substantial hardship, or injustice; and,

WHEREAS, the Planning and Zoning Commission reviewed a preliminary plat for Strawberry Hill Estates 2023 Addition on August 23, 2023, including requested variances and exceptions; and,

WHEREAS, the Planning and Zoning Commission passed Resolution No. PZ2023-15 on August 23, 2023, recommending that the City Council deny the requested exceptions to KMC Subsections 14.10.070(a) and 14.10.080(d)(1) from exceeding the maximum block length of 1,400 linear feet and waive the right-of-way dedication of Devray Street; however, Planning and Zoning Commission recommends that the City Council approve exceptions to KMC Subsections 14.10.080(c), (e), and (f) from the requirements of road improvement construction of Devray Street and connecting to City water and sewer systems; and,

WHEREAS, the Planning and Zoning Commission Resolution PZ2023-15 provided substantial findings to deny the requested exceptions and support the exceptions presented by staff; and,

WHEREAS, denying an exception to the requirements of KMC Subsections 14.10.070(a) and 14.10.080(d)(1) does not result in real difficulties, substantial hardship, or injustice for the subdivider from developing the property in a reasonable manner; and,

WHEREAS, granting an exception to the requirements of KMC Subsections 14.10.080(c), (e), and (f) will allow the subdivider to provide water supply and on-site wastewater systems for the development without connecting to City water and sewer systems since there's no connections within reasonable proximity; furthermore, the subdivider would not have to construct or improve the dedicated right-of-way, Devray Street since Wortham Avenue will provide adequate right-of-way access for the proposed subdivision and will be developed to City's standards for construction; and,

WHEREAS, the Planning and Zoning Commission conditioned its recommendation for exceptions to include a note on the recorded plat that when an improvement district is formed, the real property involved will be part of the improvement district without further action by the then owner of the property in question.

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

Section 1. That pursuant to KMC 14.10.090, exceptions to KMC Subsections 14.10.070(a) and 14.10.080(d)(1) from exceeding the maximum block length of 1,400 linear feet and waive the right-of-

way dedication of Devray Street are denied, however the City grants exceptions to the requirement for City water and sanitary sewer lines to each lot in the subdivision and the construction or improvement of Devray Street based on the findings stated above.

Section 2. That Council’s action to provide exceptions for the above requests shall be revoked if the subdivision or individual phases of the subdivision are not completed within the allowable Kenai Peninsula Borough preliminary plat time extension process.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 6TH DAY OF SEPTEMBER, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: August 29, 2023

SUBJECT: **Resolution 2023-55 – Denying the Requested Exceptions to KMC Section 14.10.070 Subdivision Design Standards and Granting Exceptions to the KMC Section 14.10.080 Minimum Improvements Required for Strawberry Hill Estates 2023 Addition Preliminary Plat**

The City received a preliminary plat known as Strawberry Hill Estates 2023 Addition from McLane Consulting, Inc., on behalf of the property owners, David Bunts and Tracey Bunts for a 13-lot subdivision with two (2) requested exceptions to KMC Subsections 14.10.070(a) *relationship to Adjoining Street System* and 14.10.070(d)(1) *Blocks* [Length].

On August 23, 2023, the Planning and Zoning Commission passed Resolution PZ2023-15 recommending the approval of the Preliminary Plat for Strawberry Hill Estates 2023 Addition subject to the following conditions:

1. Recommend Kenai City Council to deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the right-of-way dedication of Devray Street.
2. Recommend Kenai City Council to approve the exceptions from connecting to City water and sewer systems.
3. Revised Note 4 on the Preliminary Plat to “DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS”.
4. Recommend Kenai City Council to approve the exception from the road improvement construction of Devray Street and requiring the subdivider include a covenant on the recorded plat that if an improvement district is formed, the real property involved will be a part of the improvement district without further action by the then owner of the property in question.

KMC Section 14.10.090 *Variations and exceptions* allows for the City Council to vary or modify the minimum subdivision requirements, after a report by the Planning and Zoning Commission so that the subdivider may develop the property in a reasonable manner while at the same time protecting the public welfare and interests of the City, surrounding areas, and general intent and spirit of the development requirements when the tract to be subdivided is of unusual shape or size

or is surrounded by such development or unusual conditions that strict application of the improvement requirements would result in real difficulties, substantial hardship, or injustice; and,

This resolution will deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the rights-of-way dedication of Devray Street and grant the exceptions from connecting to City water and sewer system, and road improvement construction of Devray Street.

Thank you for your consideration.

Attachments

Resolution PZ2023-15

Staff Report





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-15**

A RESOLUTION **RECOMMENDING** THAT STRAWBERRY HILL ESTATES 2023 ADDITION PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESS: 801 Devray Street

LEGAL DESCRIPTION: That certain parcel of land located in the South ½ of the Southeast ¼ lying East of the Kenai Spur Highway, in Section 6, Township 5 North, Range 10 West, Seward Meridian, Excepting Therefrom: Plat Nos. 73-6, 83-284, 75-24, 78-87, 72-63, 89-9, 84-111, and Corrected Warranty Deed (Book 79 at Page 314) in the records of the Kenai Recording District, Third Judicial District, State of Alaska. Further excepting therefrom, any portion within the rights-of-way of any and all public or private roads and highways.

KPB PARCEL NUMBER: 04951027

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc. on behalf of the property owners, David Bunts and Tracey Bunts for the subdivision of the subject parcel into 13 lots with two (2) requested exceptions to the adjoining street systems and block length standards; and,

WHEREAS, the plat generally meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Rural Residential (RR) zoning district; and

WHEREAS, the street names are referenced correctly; and,

WHEREAS, the subdivided lots will have access via Wortham Avenue and Devray Street, which are not City-maintained roads; and

WHEREAS, City water and sewer systems are not available to the proposed subdivision; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and on-site water system and wastewater treatment/disposal system will be subject to the regulatory requirements of ADEC.

Resolution No. PZ2023-15
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2. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat does not meet the dedicated right-of-way for the continuation of the existing streets in adjoining areas and maximum block length of 1,400 linear feet. The request for the exception could potentially remove traffic congestion in exchange for convenient and additional access to surrounding subdivisions. The requested exception does not demonstrate a substantial hardship or injustice.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Strawberry Hill Estates 2023 Addition for the subdivision of the parcel located at 801 Devray Street (KPB Parcel No. 04951027) into 13 lots be approved, subject to the follow conditions:

1. Recommend Kenai City Council to deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the rights-of-way dedication of Devray Street.
2. Recommend Kenai City Council to approve the exceptions from connecting to City water and sewer systems.
3. Revised Note 4 on the Preliminary Plat to "DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS".
4. Recommend Kenai City Council to approve the exception from the road improvement construction of Devray Street and requiring the subdivider include a covenant on the recorded plat that if an improvement district is formed, the real property involved will be a part of the improvement district without further action by the then owner of the property in question.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 23RD DAY OF AUGUST, 2023.



Jeff Twait, Chairperson

ATTEST:



Meghan Thibodeau, Deputy City Clerk

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAN INCLUDING EASEMENTS, RIGHTS-OF-WAY (WORTHAM AVE, STRAWBERRY RD, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAN. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE _____
CITY MANAGER, CITY OF KENAI

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOP THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID BUNTS
PO BOX 226, STERLING, AK 99672

TRACEY BUNTS
PO BOX 226, STERLING, AK 99672

NOTARY'S ACKNOWLEDGEMENT

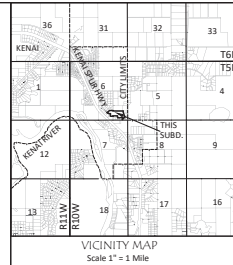
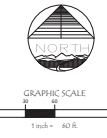
FOR: DAVID & TRACEY BUNTS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023
MY COMMISSION EXPIRES _____

NOTARY PUBLIC FOR THE STATE OF ALASKA

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLANE C.E. 11510 AK DATE _____



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 1/2" REBAR
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP #5032-S
 - - - CONTOUR INTERVAL = 4'

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AC 7D AND 18 AC 8D.
 2. THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT HEREBY GRANTED.
 3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 4. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
 5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
 6. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
 7. THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 5, 1968 IN MISC. BOOK 31, PAGE 124, KRD, LOCATION NOT DEFINED.

CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	9°58'11"	330.00	55.50	27.82	N 88° 10' 08" W	55.44
C2	45°28'46"	300.00	250.42	131.59	N 68° 14' 50" W	244.46
C3	10°39'20"	370.00	50.21	25.18	S 51° 50' 07" E	50.14
C4	12°54'53"	370.00	78.02	38.15	N 06° 01' 38" W	77.87
C5	32°49'28"	270.00	154.68	79.51	N 73° 34' 30" W	152.57
C6	59°54'54"	330.00	131.00	66.80	N 88° 29' 48" W	130.59
C7	17°17'27"	330.00	30.47	15.20	N 68° 09' 38" W	30.40
C8	8°35'55"	230.00	34.52	17.29	N 63° 06' 54" W	34.48
C9	28°23'44"	230.00	113.95	58.17	N 42° 37' 20" W	112.79
C10	1°01'07"	430.00	7.65	3.83	N 27° 55' 08" W	7.65
C11	17°51'20"	430.00	205.80	104.91	N 13° 41' 53" W	203.84
C12	16°21'37"	370.00	105.65	53.19	S 20° 14' 54" E	105.29
C13	36°59'09"	170.00	109.74	56.86	S 46° 59' 17" E	107.84
C14	24°34'22"	270.00	115.87	58.80	S 77° 42' 02" E	114.91

Plat #

Rec Date: _____
Date: _____
Time: _____

STRAWBERRY HILL ESTATES 2023 ADDITION
SUBDIVISION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S2, S4, S6, S8) LYING EAST OF THE KENAI SPRING HIGHWAY, SECTION 6, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA EXCEPTING PLAT NO. 2736-83-284, 75-14, 84-82, 72-63, 89-5, 84-111, WARRANTY DEED BOOK 79, PAGE 314 KENAI RECORDING DISTRICT AND ANY PORTION LYING WITHIN THE RIGHTS-OF-WAY OF ANY AND ALL PUBLIC OR PRIVATE ROADS AND HIGHWAYS.

DAVID BUNTS
PO BOX 226
STERLING, AK 99672

TRACEY BUNTS
PO BOX 226
STERLING, AK 99672

16.466 AC (±) SITUATED IN THE SE1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, AK, THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

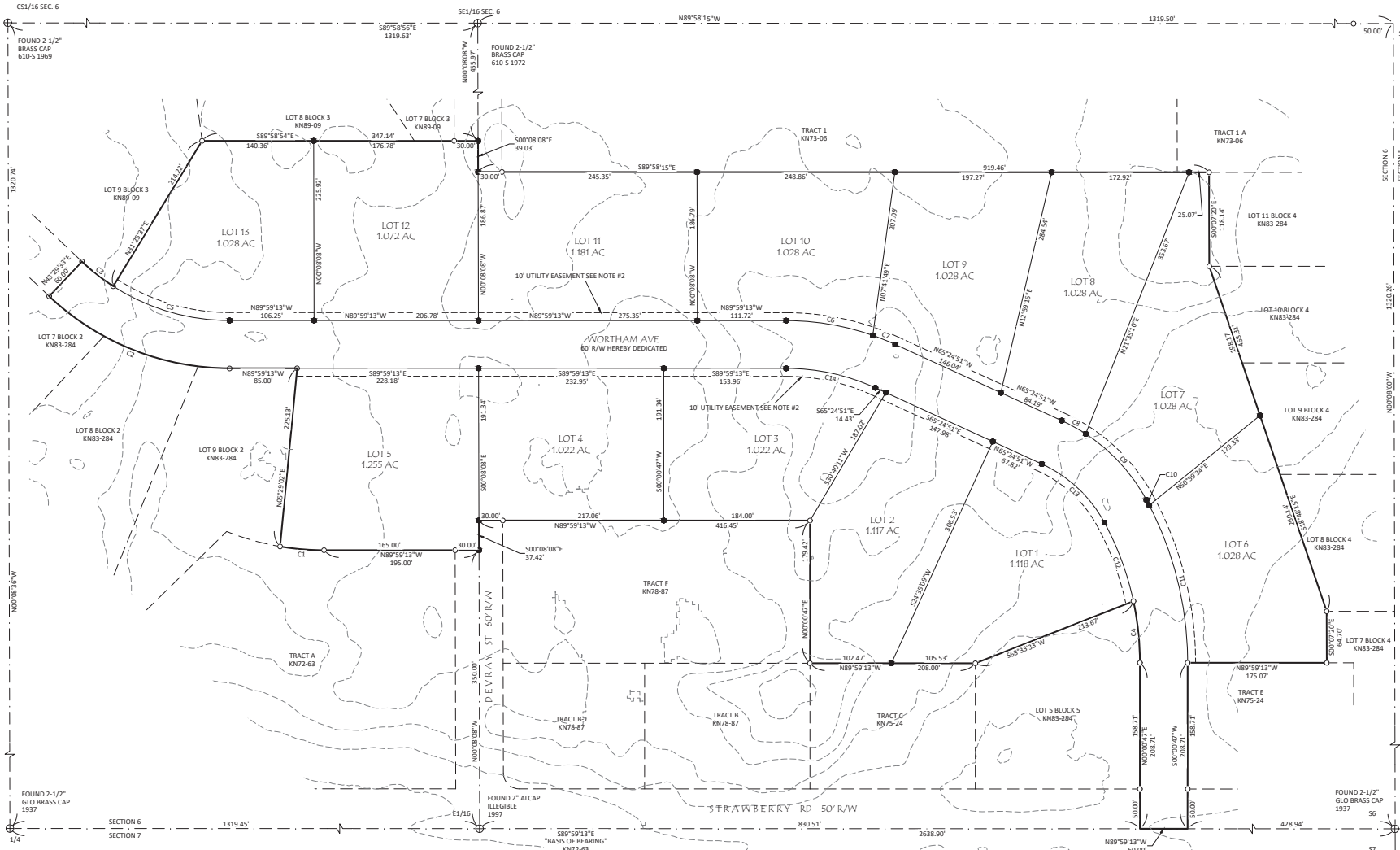
PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL _____

ENGINEERING, TESTING, SURVEYING, MAPPING
P.O. BOX 488
SOLDOTNA, AK 99669
VOICE: (907) 283-4215
FAX: (907) 283-5265
WWW.MCLANECO.COM

KPB File No. 2023-xxxx
Project No. 22.2002

Scale: 1" = 60' Date: JAN 2023 Book No.: 22-04 Drawn by: JAH





STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: August 18, 2023
SUBJECT: Resolution No. PZ2023-15 – Preliminary Plat – Strawberry Hill Estates
2023 Addition

Request The applicant is proposing a preliminary plat to subdivide one (1) parcel into 13 lots with two (2) requested exceptions to the adjoining street system and block length standards.

Staff Recommendation Adopt Resolution No. PZ2023-15 recommending approval of Preliminary Plat – Strawberry Hill Estates 2023 Addition for the subdivision of a parcel described by metes and bounds into 13 lots, deny the requested exceptions, and approve the exceptions to connecting to City water and sewer systems.

Applicant: McLane Consulting, Inc.
Attn: James Hall
P.O. Box 468
Soldotna, AK 99669

Property Owners: David Bunts and Tracey Bunts

Legal Description: That certain parcel of land located in the South ½ of the Southeast ¼ lying East of the Kenai Spur Highway, in Section 6, Township 5 North, Range 10 West, Seward Meridian, Excepting Therefrom: Plat Nos. 73-6, 83-284, 75-24, 78-87, 72-63, 89-9, 84-111, and Corrected Warranty Deed (Book 79 at Page 314) in the records of the Kenai Recording District, Third Judicial District, State of Alaska. Further excepting therefrom, any portion within the rights-of-way of any and all public or private roads and highways.

Property Address: 801 Devray Street

KPB Parcel No.: 04951027

Lot Size Range: 1.022 – 1.255 acres

No. of Lots: 13

Zoning District:	Rural Residential (RR)
Current Use:	Vacant
Proposed Use:	Residential
Surrounding Uses:	North – Vacant Lots; South – Single-Family Residences; West – Vacant Lots; East – Vacant Lot and Single-Family Residences

BACKGROUND

The proposed preliminary plat would subdivide one (1) parcel located at 801 Devray Street (KPB Parcel No. 04951027) into 13 lots. The lot size ranges between 1.022 and 1.255 acres.

The applicant has requested for two (2) exceptions to the Kenai Municipal Code (KMC) Subsections 14.10.070(a) *relationship to Adjoining Street System* and 14.10.070(d)(1) *Blocks [Length]*.

KMC Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission. Furthermore, KMC Section 14.10.090 *Variations and exceptions* states that City Council may vary or modify such requirements in KMC Chapter 14.10 *Subdivision Regulations* so that the subdivider may develop their property in a reasonable manner, but at the same time, the public welfare and interests of the City and surrounding areas are protected and the general intent and spirit of these regulations preserved.

ANALYSIS

The proposed subdivision meets the development requirements (i.e., lot size and lot width) for the Rural Residential (RR) zoning district. The proposed preliminary plat generally meets the subdivision design standards with the exceptions to the requested waivers. The proposed access is through the 60-foot right-of-way dedication to connect and continue Wortham Avenue from the west and intersect Strawberry Road to the south. Wortham Avenue is not a city-maintained road. The applicant is requesting to waive the 60-foot right-of-way dedication of Devray Street, which is not a City-maintained road. City water and sewer services are not available to the proposed lots. The proposed subdivision will be subject to the requirements of the Alaska Department of Environmental Conservation (ADEC) for water supply and on-site wastewater systems. The Public Works Director reviewed the proposed preliminary plat and had no comments. An installation agreement is not required.

Lot Size

The subdivision is located in the Rural Residential zoning district, which requires a minimum of lot size of 20,000 square feet. Each lot is in excess of one (1) acre; therefore, all 13 lots meet the minimum lot size for the subject zoning district.

Lot Width

The minimum lot width for the subject zoning district is 90 feet, which all 13 lots exceeds the minimum lot width.

Adjoining Street System and Block Length

KMC Subsection 14.10.070(a) states the arrangement of streets in the new subdivision shall make provisions for the continuation of the principal existing streets in adjoining areas. In the aforementioned subsection, it also states the street arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. The subject parcel abuts Devray Street (to the north and south), Wortham Avenue, and Strawberry Road. The applicant states that the extension of Wortham Avenue through the subdivision gives adequate access to all properties created and adjoining removing pressure to access adjoining lots from Kenai Spur Highway as the reason for the request to waive the 60-foot rights-of-way dedication for the continuation of Devray Street. In addition, the applicant states that not connecting Devray Street removes congestion potential of traffic backup on Strawberry Road onto Kenai Spur Highway. The waiver of the right-of-way dedication of Devray Street would require the waiver of exceeding the maximum block length of 1,400 linear feet by approximately ± 300 linear feet. KMC Subsection 14.10.080(d)(1) states that no block shall be longer than 1,400 feet and where blocks are longer than 1,000 feet, a crosswalk at least 10 feet in width may be required near the center of the block.

When requesting for variations and exceptions to the KMC Chapter 14.10 *Subdivision Regulations*, the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the regulations would result in real difficulties, substantial hardship or injustice. Staff finds that the requirement of the 60-foot right-of-way dedication of Devray Street would not impose a substantial hardship or injustice. The right-of-way dedication would allow more convenient access from Kenai Spur Highway to the subject subdivision as well as several subdivisions to the north such as Three W's Subdivision Addition No. 1, Hornaday Property Survey, Strawberry Fields Forever Addition No. 2, and Strawberry Fields Forever Addition No. 3.

With the requested exception, it would leave the existing dedicated Devray Street to have dead ends that do not meet the current standards, which shall terminate into an open space (preferable circular) having a minimum radius of 50 feet.

Public Water and Sewer

KMC Subsections 14.10.080(e) and (f), states that in subdivisions of 10 or more lots, an approved public water supply and sewer lines shall be provided/installed to serve each lot. This is not feasible as there are no City water and sewer connections in the surrounding area. Therefore, these standards require exceptions to the provisions. It would meet the intent for exceptions as it would cause a substantial hardship or burden on the development of this subdivision.

Summary

Staff finds that the proposed preliminary plat meets the following Title 14 of Kenai Municipal Code (KMC) sections.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and on-site water system and wastewater treatment/disposal system will be subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning district.

3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

Staff does not find that the proposed preliminary plat meets the following Title 14 of Kenai Municipal Code (KMC) section.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat does not meet the dedicated right-of-way for the continuation of the existing streets in adjoining areas and maximum block length of 1,400 linear feet. The request for the exception could potentially remove traffic congestion in exchange for convenient and additional access to surrounding subdivisions. The requested exception does not demonstrate a substantial hardship or injustice.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Strawberry Hill Estates 2023 Addition generally meets the general standards of Kenai Municipal Code, Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-15 to Kenai Peninsula Borough, subject to the following conditions.

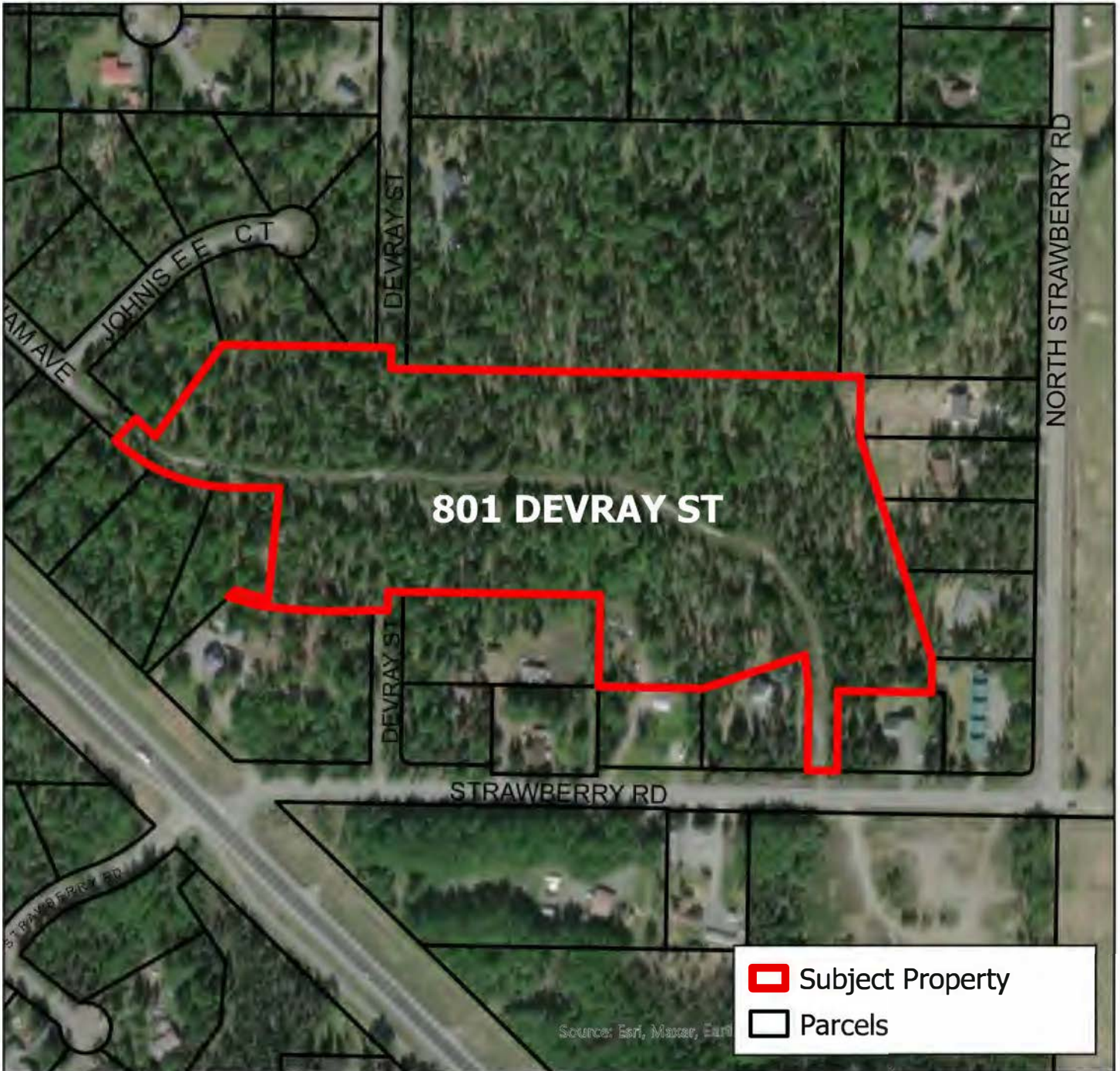
1. Recommend Kenai City Council to deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the rights-of-way dedication of Devray Street.
2. Recommend Kenai City Council to approve the exceptions from connecting to City water and sewer systems.
3. Revised Note 4 on the Preliminary Plat to “DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS”.

ATTACHMENTS

Aerial Map
 Application with Certificate of Plat
 Preliminary Plat, Strawberry Hill Estates 2023 Addition



PRELIMINARY PLAT
Resolution No. PZ2023-15
801 Devray Street
KPB Parcel ID: 04951027



N



Map for Reference Only
NOT A LEGAL DOCUMENT





Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

APPLICANT (SURVEYOR)

Name:	McLane Consulting				
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK
				Zip Code:	99669
Phone Number(s):	907-283-4218				
Email:	JHALL@MCLANECG.COM				

PROPERTY OWNER

Name:	David & Tracey Bunts				
Mailing Address:	PO BOX 226	City:	Sterling	State:	AK
				Zip Code:	99672
Phone Number(s):					
Email:					

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04951027				
Current City Zoning:	Rural Residential				
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial		
	<input type="checkbox"/> Other:				
Water:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community		
Sewer:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community		

PLAT INFORMATION

Preliminary Plat Name:	Strawberry Hill Estates 2023 Addition				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No		
Street Name (if vacating ROW):					

Exceptions Required and Requested:

KPB 20.30.170 Block Length
KPB 20.30.030(A) Street Layout

Comments:

Extension of Wortham Ave through the subdivision gives adequate access to all properties created and adjoining removing pressure to access adjoining lots from Kenai Spur Hwy. Not connecting Devray Street removes congestion potential of traffic backup on Strawberry Rd onto Kenai Spur Hwy.

REQUIRED ATTACHMENTS

<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
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SIGNATURE

Signature:	<i>David Bunts</i>	Date:	5-4-2023
Print Name:	DAVID BUNTS	Title/Business:	



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

PRELIMINARY PLAT SUBMITTAL FORM

- PRELIMINARY PLAT
 REVISED PRELIMINARY PLAT (no fee required)
 PHASED PRELIMINARY PLAT
 PRELIMINARY PLAT FOR PRIVATE STREETS/GATED SUBDIVISION – all requirements of chapter 20, excluding 20.30.210 and 20.50 apply and must be met.

SUBDIVISION PLAT NAME: must be a unique name, contact staff for assistance if needed.

Strawberry Hill Estates 2023 Addition

PROPERTY INFORMATION:

Legal description: SUBDIVISION OF (S1/2 SE1/4) EAST OF THE K-SPUR HWY, S6, T5N, R10W, SM, AK EXCEPTING PLAT No. 73-6, 83-284, 75-24, 78-87, 72-63, 89-9, 84-111, WD B79, PG 314, KR D

Section: 6	Township: 5N	Range: 10W
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General area description Strawberry Rd and Kenai Spur Hwy

City (if applicable): Kenai	Total Acreage: 16.466
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SURVEYOR

Company: McLane Consulting, Inc.	Contact Person: James Hall
Mailing Address: PO BOX 468	City, State, Zip Soldotna, AK 99669
Phone: 907-283-4218	e-mail: jhall@mcclanecg.com

PROPOSED WASTEWATER AND WATER SUPPLY

WASTEWATER: on site City community
 WATER: on site City community

SUBMITTAL REQUIREMENTS

A preliminary plat application will be scheduled for the next available plat committee meeting after a complete application has been received.

- 1 – full size paper copy
- 3 – reduced sized drawing (11 x 17)
- Preliminary plat **NON-REFUNDABLE** submittal fee \$400
- City Planning Commission minutes when located within city limits or Bridge Creek Watershed District
- Certificate to plat for **ALL** parcels included in the subdivision
- Documentation showing proof of signatory authority (partnerships, corporations, estates, trusts, etc.)
- ALL** requirements of KPB 20.25.070 (see page 2 for checklist) and KPB 20.25.080

EXCEPTIONS REQUESTED TO PLATTING CODE: Complete the EXCEPTION REQUEST APPLICATION and attach to the preliminary plat submittal.

APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED. Additional signature sheets can be attached. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

OWNER(S)

Name (printed): <i>DAVID Bunts</i>	Signature: <i>David Bunts</i>
Phone: <i>907-398-4781</i>	e-mail: <i>dauid@sterlingcustomhomes.net</i>

Name (printed): <i>Tracy Bunts</i>	Signature: <i>Tracy Bunts</i>
Phone: <i>907-398-4736</i>	e-mail: <i>tbunts@alaska.net</i>

Name (printed):	Signature:
Phone:	e-mail:

Name (printed):	Signature:
Phone:	e-mail:

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____

Stewart Title of the Kenai Peninsula, Inc.

35681 Kenai Spur Hwy., Unit B
Soldotna, AK 99669
Tel: (907) 260-8031 Fax: (907) 260-8036

Amendment No. 1: Change effective date

CERTIFICATE TO PLAT

McLane Consulting, Inc.
PO Box 468
Soldotna, AK 99669
Attention: James Hall

File Number: 21301
Premium: \$250.00
Tax:

Gentlemen:

This is a certificate as of July 06, 2023 at 8:00 A.M. for a plat out of the following property:

That certain parcel of land located in the South one-half of the Southeast one-quarter (S1/2SE1/4) lying East of the Kenai Spur Highway, in Section 6, Township 5 North, Range 10 West, Seward Meridian, in the records of the Kenai Recording District, Third Judicial District, State of Alaska.

EXCEPTING THEREFROM:

Hornaday Property Survey, according to Plat No. 73-6, Kenai Recording District, Third Judicial District, State of Alaska;

Strawberry Hill Estates, according to Plat No. 83-284, Kenai Recording District, Third Judicial District, State of Alaska;

Tracts E and C Davidson Homestead, according to Plat No. 75-24, Kenai Recording District, Third Judicial District, State of Alaska;

Tracts B-1 and F Davidson Homestead, according to Plat No. 78-87, Kenai Recording District, Third Judicial District, State of Alaska;

Tract A Davidson Homestead, according to Plat No. 72-63, Kenai Recording District, Third Judicial District, State of Alaska;

Strawberry Hill Estates Johnisee Addition, according to Plat No. 89-9, Kenai Recording District, Third Judicial District, State of Alaska;

Myers/Strawberry Road Right of Way Map, according to Plat No. 84-111, Kenai Recording District, Third Judicial District, State of Alaska;

That portion conveyed by Corrected Warranty Deed recorded August 23, 1974 in Book 79 at Page 314;

FURTHER EXCEPTING THEREFROM, any portion lying within the rights-of-way of any and all public or private roads and highways.

The Company certifies that record title is vested in

David Bunts and Tracey Bunts

an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **RESERVATIONS AND EXCEPTIONS** as contained in Mineral Patent from the United States of America to the State of Alaska
Recorded: September 27, 1982
Volume/Page: 194/781

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.

- 3. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated:
Taxing Authority: City of Kenai

- 4. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH

- 5. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: June 5, 1968
Volume/Page: Misc. 31/124
Granted To: Homer Electric Association, Inc.
Affects: General Easement, no definite location disclosed

Stewart Title of the Kenai Peninsula, Inc.

By



Terri Cotterell
Authorized Signator

NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAN INCLUDING EASEMENTS, RIGHTS-OF-WAY (WORTHAM AVE, STRAWBERRY RD, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAN. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE _____
CITY MANAGER, CITY OF KENAI

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOP THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

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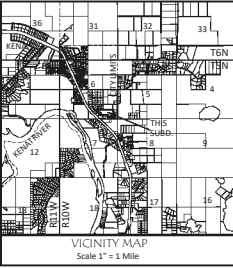
NOTARY'S ACKNOWLEDGEMENT

FOR: DAVID & TRACEY BUNTS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2023
MY COMMISSION EXPIRES _____
NOTARY PUBLIC FOR THE STATE OF ALASKA

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLANE C.E. 11510 AK DATE _____



LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP #5032-S
- - - CONTOUR INTERVAL = 4'

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
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3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
6. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
7. THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON LINE 5, 1968 IN MISC. BOOK 31, PAGE 124, KR, LOCATION NOT DEFINED.

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	9°58'11"	330.00	55.50	27.82	N 85° 10' 08" W	55.44
C2	43°28'46"	330.00	250.42	131.59	N 68° 14' 50" W	244.46
C3	10°39'20"	270.00	50.21	25.18	S 51° 50' 07" E	50.14
C4	32°04'52"	330.00	78.02	38.15	N 06° 01' 38" W	77.87
C5	32°49'20"	270.00	54.68	26.51	N 73° 34' 30" W	53.57
C6	19°54'54"	330.00	111.00	56.80	N 82° 29' 48" W	110.57
C7	57°27'27"	330.00	30.47	15.32	N 68° 09' 35" W	30.40
C8	8°35'55"	230.00	34.52	17.29	N 63° 06' 54" W	34.48
C9	28°37'14"	230.00	113.95	58.17	N 42° 37' 20" W	113.79
C10	1°01'10"	430.00	7.65	3.83	N 27° 55' 08" W	7.65
C11	27°25'20"	430.00	205.80	104.91	N 13° 14' 53" W	203.84
C12	16°21'37"	330.00	105.60	53.19	S 20° 14' 54" E	105.29
C13	36°59'09"	170.00	109.74	56.86	S 46° 55' 17" E	107.84
C14	24°34'22"	270.00	115.80	58.80	S 77° 42' 02" E	114.91



Plat #

Rev. Date: _____

Date: _____

Time: _____

STRAWBERRY HILL ESTATES 2023 ADDITION
SUBDIVISION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 SE1/4) LYING EAST OF THE KENAI SPUR HIGHWAY, SECTION 6, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA EXCEPTING PLAT NO. 73-6, 83-284, 75-14, 8-87, 72-63, 89-5, 84-111, WARRANTY DEED BOOK 79, PAGE 314 KENAI RECORDING DISTRICT, AND ANY PORTION LYING WITHIN THE RIGHTS-OF-WAY OF ANY AND ALL PUBLIC OR PRIVATE ROADS AND HIGHWAYS.

DAVID BUNTS
PO BOX 226
STERLING, AK 99672

TRACEY BUNTS
PO BOX 226
STERLING, AK 99672

16.466 AC ± SITUATED IN THE SE1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, AK, THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.



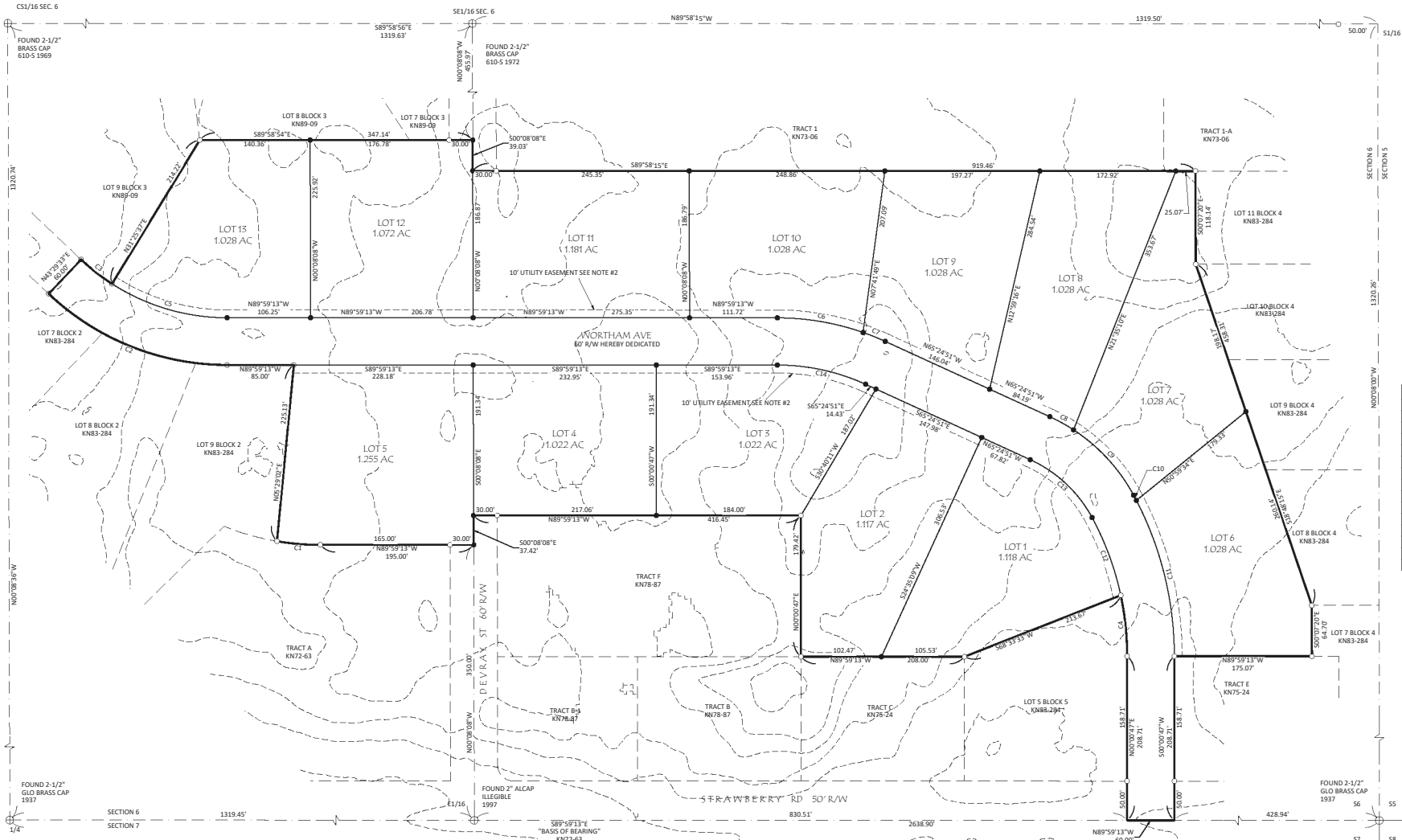
KPB File No. 2023-xxx

Project No. 222002

Scale: 1" = 80' Date: JAN 2023 Book No.: 22-04 Drawn by: JAH

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ 2023.

AUTHORIZED OFFICIAL



**KENAI CITY COUNCIL – SPECIAL MEETING
AUGUST 11, 2023 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Special Meeting of the Kenai City Council was held on August 11, 2023, in City Hall Council Chambers, Kenai, AK.

Council Member Knackstedt called the meeting to order at approximately 6:15 p.m. and called for nominations of a President Pro Tempore.

Council Member Douthit **NOMINATED** Council Member Knackstedt to the position of President Pro Tempore. Council Member Winger **SECONDED** the motion.

Having no additional nominations and hearing no objections, Council Member Knackstedt was elected President Pro Tempore for the August 11, 2023 special meeting.

[Clerk’s Note: KMC 1.15.010(b) in the absence of the Mayor and Vice Mayor any member of the City Council may call the meeting to elect a President Pro Tempore. The President Pro Tempore term ends at the arrival of the Mayor or Vice Mayor, or at the adjournment of the meeting.]

1. Pledge of Allegiance

President Pro Tempore Knackstedt led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

- | | |
|---|---|
| Henry Knackstedt, President Pro Tempore | Victoria Askin <i>(remote participation)</i> |
| Teea Winger | Deborah Sounart <i>(remote participation)</i> |
| Alex Douthit | |

A quorum was present.

Absent:

- Brian Gabriel, Mayor
- James Baisden, Vice Mayor

Also in attendance were:

- Terry Eubank, City Manager
- Scott Bloom, City Attorney
- David Swarner, Finance Director
- Scott Curtin, Public Works Director
- Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Council Member Winger **MOVED** to approve the agenda. Council Member Douthit **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: Motion **APPROVED**; without objection.

B. PUBLIC HEARINGS

1. **Resolution No. 2023-50** - Authorizing the Issuance of Utility Revenue Bonds in a Principal Amount Not to Exceed One Million Two Hundred Thousand Dollars (\$1,200,000) to Finance the Costs of Planning, Designing and Constructing the City's Water Treatment Pump House and Related Capital Improvements; and to Submit the Question of Issuance of Such Bonds to the Qualified Voters of the City of Kenai at the General Election in and for the City of Kenai on October 3, 2023. (Administration)

MOTION:

Council Member Winger **MOVED** to adopt Resolution No. 2023-50. Council Member Douthit **SECONDED** the motion.

It was reported that the Federal Infrastructure Bill provided billions of dollars for water and sewer projects nationally through a revolving loan fund; unique to this revolving loan fund is 100-percent forgiveness, which presented more like a grant; being title a loan made it problematic for the City as it could trigger the debt provisions of code requiring a ballot question to be submitted to the eligible voters of the City.

City Staff, State and Federal Officials worked together on amendments to the loan documents that made it clear that the City would not be incurring any debt; an opinion was received from the City's bond attorney that voter authorization was not necessary with the amendments to the documents; and the Administration was requesting Resolution 2023-50 be postponed indefinitely.

President Pro Tempore Knackstedt opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

There was discussion regarding meeting all of the requirements for 100 percent reimbursement; concerns were stated regarding the possibility of not receiving full reimbursement.

It was clarified that the City would delay three projects; funding for those three projects would be used for the City's Water Treatment Pumphouse and no debt would be incurred.

MOTION:

Council Member Winger **MOVED** to postpone indefinitely Resolution No. 2023-50. Council Member Douthit **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to postpone indefinitely.

VOTE: Motion **APPROVED**; without objection.

- C. **PUBLIC COMMENTS** (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*) - None.

D. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 6:38 p.m.

I certify the above represents accurate minutes of the Kenai City Council Special meeting of August 11, 2023.

Michelle M. Saner, MMC
City Clerk

**KENAI CITY COUNCIL – REGULAR MEETING
AUGUST 16, 2023 – 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 August 16, 2023, in City Hall Council Chambers, Kenai, AK. Vice Mayor Baisden called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Vice Mayor Baisden led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

James Baisden, Vice Mayor	Henry Knackstedt
Teea Winger	Deborah Sounart
Alex Douthit	Victoria Askin

A quorum was present.

Absent:

Brian Gabriel, Mayor

Also in attendance were:

Terry Eubank, City Manager
 Scott Bloom, City Attorney
 David Swarner, Finance Director
 Scott Curtin, Public Works Director
 Dave Ross, Police Chief
 Linda Mitchell, Planning Director
 Shellie Saner, City Clerk

3. Agenda Approval

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda and consent agenda. Council Member Winger **SECONDED** the motion.

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

Vice Mayor Baisden opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **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 ADMINISTRATIVE REPORTS - None.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS

Marion Nelson addressed the Council regarding the upcoming Annual Harvest Auction; noted that they were still accepting donations for the outcry and silent auction; and although most donations were art they accepted other items as well.

E. PUBLIC HEARINGS

- 1. Ordinance No. 3365-2023** - Increasing Estimated FY2023 Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)

MOTION:

Council Member Askin **MOVED** to enact Ordinance No. 3365-2023. Council Member Douthit **SECONDED** the motion.

Vice Mayor Baisden opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

It was reported that the Police Department participates in the regional drug task force; certain overtime worked in conjunction with the task force was reimbursable; and this would accept those funds.

VOTE:

YEA: Baisden, Askin, Winger, Sounart, Knackstedt, Douthit

NAY: None

ABSENT: Gabriel

MOTION PASSED; without objection.

- 2. Ordinance No. 3366-2023** - Increasing Estimated Revenues and Appropriations in the General Fund - Planning Department to Complete Rezoning of the Kenai Waterfront Area as Identified in the 2022 Kenai Waterfront Revitalization Assessment. (Knackstedt)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3366-2023. Council Member Winger **SECONDED** the motion.

Vice Mayor Baisden opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

It was reported that the Waterfront Revitalization Assessment was completed last fall and it seemed to have a positive public opinion; there is new development taking place in the area, so this appears to be the appropriate time to begin the rezone of the area.

There was discussion regarding the rezone embracing the existing uses in the area and encourage new types of use; existing non-conforming uses would be grandfathered in; when a grandfathered use stopped for more than twelve-months it would be required to meet certain criteria before resuming; and if a grandfather used were to change to similar use, the new use would need to meet specific criteria and a determination would be made by the Planning Commission.

VOTE:

YEA: Askin, Winger, Sounart, Knackstedt, Douthit, Baisden

NAY: None

ABSENT: Gabriel

MOTION PASSED; without objection.

3. **Ordinance No. 3367-2023** - Increasing Estimated Revenues and Appropriations in the General Fund - Street Department for Award of a Contract to Replace Public Sidewalk at 815 Frontage Road. (Administration)

MOTION:

Council Member Askin **MOVED** to enact Ordinance No. 3367-2023. Council Member Winger **SECONDED** the motion.

Vice Mayor Baisden opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

There was discussion regarding this project being unique and falling under the threshold that required an engineering estimate; this project received no bids in 2022; there was only the one bid this year; grant funding was applied for; and the city would continue pursuing grant funding for similar type projects throughout the City.

VOTE:

YEA: Winger, Sounart, Knackstedt, Douthit, Baisden, Askin

NAY: None

ABSENT: Gabriel

MOTION PASSED; without objection.

4. **Resolution No. 2023-51** - Approving an Amendment to the Lease for a Portion of Lot 3, Block 17, Original Townsite of Kenai Between the City of Kenai and Peninsula Art Guild, Inc. to Accommodate an Existing and Proposed New Shed. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-51. Council Member Askin **SECONDED** the motion.

Vice Mayor Baisden opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

There was discussion regarding the existing shed and ground work being very nice; and the new shed and ground work would be similar and a good addition.

UNANIMOUS CONSENT was requested.

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

5. **Resolution No. 2023-52** - Authorizing a Contract Award and Corresponding Purchase Order for the Cemetery Phase 2 Fencing Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2023-52. Council Member Sounart **SECONDED** the motion.

Vice Mayor Baisden opened the floor for public comment. There being no one wishing to be heard, the public comment period was closed.

There was discussion regarding the fencing selected complimented the existing cemetery fence; the engineering estimate was \$2000 more than the bid; the creek side would be left open to accommodate the wildlife traffic in the area; questions as to why the fencing was not being installed on the full parameter; the proximity of a private home on an adjoining lot with a well; the number of plots that are yet to be developed; areas that were designated for future columbarium's; and landscaping plans.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of August 2, 2023. (City Clerk)

G. UNFINISHED BUSINESS - None.

H. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Action/Approval** - Recommending the Kenai Peninsula Borough Assembly Appoint Kenai City Clerk, Shellie Saner to the Kenai Peninsula Borough Voter Turnout Working Group. (Gabriel)

Approved by the consent agenda.

3. ***Ordinance No. 3368-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Operations Facility Capital Funds to Provide Supplemental Funding for the Kenai Municipal Airport Operations Facility Boiler and HVAC Controls Replacement Project. (Administration)

Introduced by the consent agenda and Public Hearing set for September 6, 2023.

4. **Action/Approval** - Approving Official Bond Amounts for City Manager, City Clerk and Finance Director. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve \$100,000 as the prescribed bonding amount for the City Manager, City Clerk and Finance Director Positions for FY2024. Council Member Winger **SECONDED** the motion.

It was reported that this is a requirement of the Charter for the City Manager, Finance Director and City Clerk; and the City's general liability insurance covers all employees for dishonesty up to 1.5 million dollars.

UNANIMOUS CONSENT was requested on the motion.

VOTE: Motion **APPROVED**; without objection.

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Sounart reported on the August 10, 2023 Work Session, next meeting September 14, 2023.

2. Airport Commission

No report, next meeting September 14, 2023.

3. Harbor Commission

No quorum present, next meeting September 11, 2023.

4. Parks and Recreation Commission

No report, next meeting September 7, 2023.

5. Planning and Zoning Commission

No report, next meeting August 23, 2023.

6. Beautification Committee

No report, next meeting September 12, 2023.

J. REPORT OF THE MAYOR

Vice Mayor Baisden reported on the following:

- The Triumvirate Theater Ground Breaking scheduled for August 19, 2023.
- Thank you to all of the individuals who filed for elective office.

K. ADMINISTRATION REPORTS

1. City Manager – City Manager Eubank reported on the following:
 - Meeting with the Boys and Girls Club and the Evan's to discuss the Right-of-Way agreement.
 - Two candidates were selected for second interviews for the Airport Manager position.
 - Legislation coming forward to authorize the City Manager to apply for the Drinking Water Loan.
 - Utility work on Bridge Access was being done by Enstar.
 - Tentative schedule for the Bluff Stabilization Project signing is October 13, 2023.
2. City Attorney – No report.
3. City Clerk – City Clerk Saner reported on the following:
 - Candidate filing period closed August 15, 2023; ballot order has been submitted.
 - Student Representative applications should be distributed in the schools on August 18, 2023.
 - Accepted an invitation to speak at the September 10, 2023 Kenai Historical Society meeting regarding the ongoing projects to preserve the history of the Kenai Municipal Cemetery.

L. ADDITIONAL PUBLIC COMMENTS

1. Citizen Comments (*Public comments limited to (5) minutes per speaker*) - None.
2. Council Comments

Council Member Douthit said he was excited to see the interests in running for City Council and noted he would be moving in to his new business facility by the end of the week.

Council Member Sounart welcomed Finance Director Swarner and hoped everyone's gardens were doing well with the weather conditions this year.

Council Member Askin wished all of the election candidates well.

Council Member Winger thanked everyone for the great discussion; noted the mid-month report indicating that 48-acres were mitigated thanks to the slash site; the construction on Willow Street should be starting soon; and hoped everyone had a great first day at school.

Council Member Knackstedt recognized candidate Phil Daniel in the audience and noted he would be getting busy on his campaign.

M. EXECUTIVE SESSION - None.

N. PENDING ITEMS

1. **Resolution No. 2023-49** - Declaring the Rights-of-Way of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a

Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) are No Longer Needed for a Public Purpose and Consenting to Vacation of the Rights-of-Way. (Administration) [At the 08/02/23 meeting, this item was postponed to 09/06/23.]

O. ADJOURNMENT

P. INFORMATIONAL ITEMS - None.

There being no further business before the Council, the meeting was adjourned at 6:59 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of August 16, 2023.

Michelle M. Saner, MMC
City Clerk

*** The student representative may cast advisory votes on all matters except those subject to executive session discussion. Advisory votes shall be cast in the rotation of the official council vote and shall not affect the outcome of the official council vote. Advisory votes shall be recorded in the minutes. A student representative may not move or second items during a council meeting.*

DRAFT



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2023-49**

A RESOLUTION DECLARING THE RIGHTS-OF-WAY OF CHAR CIRCLE AS DEDICATED ON PARK VIEW SUBDIVISION (PLAT NO. KN 79-156) AND CITY PARK SUBDIVISION NO. 2 (PLAT NO. KN 2007-149) AND A PORTION OF S. SPRUCE STREET AS DEDICATION ON PARK VIEW SUBDIVISION (PLAT NO. KN 79-156) ARE NO LONGER NEEDED FOR A PUBLIC PURPOSE AND CONSENTING TO VACATION OF THE RIGHTS-OF-WAY.

WHEREAS, the City received a preliminary plat from McLane Consulting, Inc., on behalf of the Boys & Girls Club of the Kenai Peninsula for a parcel merger with rights-of-way vacations for Char Circle and a portion of S. Spruce Street; and,

WHEREAS, on July 26, 2023, the Planning and Zoning Commission passed Resolution PZ2023-13 recommending that Kenai Peninsula Borough Planning Commission approve the preliminary plat for City Park 2023 Replat with vacation of Char Circle and exclude the portion of S. Spruce Street; and,

WHEREAS, the total area of the right-of-way vacations is approximately 0.719-acre as shown in Exhibit A; and,

WHEREAS, Kenai Municipal Code Section 22.05.110, *Determination as to need for public purpose*, states City Council will determine whether rights-of way is needed for a public purpose by resolution; and,

WHEREAS, the Boys & Girls Club of the Kenai Peninsula has stated the request for the right-of-way vacations is to enable them to maximize development as presented in Ordinance 3287-2022 for facilities for youth sports, recreation, education, after school care and other youth activities; and,

WHEREAS, the right-of-way vacations of Char Circle and a portion of S. Spruce Street will not negatively affect public access; and,

WHEREAS, it is determined that Char Circle and a portion of S. Spruce Street as identified in Exhibit A are no longer needed for a public purpose.

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

Section 1. That Char Circle as dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a portion of S. Spruce Street as dedicated on Park View Subdivision (Plat No. KN 79-156) are no longer needed for a public purpose and consenting to vacation of the rights-of-way as identified in Exhibit A.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 6TH DAY OF SEPTEMBER, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: July 25, 2023

SUBJECT: **Resolution 2023-49 – Consenting to the Right-of-Way Vacations of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156).**

On July 26, 2023, the Planning and Zoning Commission passed Resolution PZ2023-13 recommending the approval of the City Park 2023 Replat subject to the following condition: 1. Kenai City Council must consent to the right-of-way (ROW) vacations of Char Circle and a portion of S. Spruce Street are not needed for a public purpose and approve the ROW vacations as shown on the proposed preliminary plat. The total area of the ROW vacations is approximately 0.719 acre.

As noted in the applicant's letter of intent, the ROW vacations will not impact the public travel and will accommodate private access to an adjacent parcel to the south. In addition, the pending improvements include a new commercial kitchen, multi-purpose field, a 10,000 square foot clubhouse, and a building expansion for early education center to be opened in 2024.

In accordance with Alaska Statutes § 29.40.140(b), no vacation of a City right-of-way and/or easement may be made without consent of the City Council. Furthermore, Kenai Municipal Code Section 22.05.110 states City Council will determined the reason of the land to include but not limited to rights-of way or easement is no longer needed for a public purpose by resolution. This resolution will consent to the right-of-way vacations of Char Circle and a portion of S. Spruce Street.

Thank you for your consideration.

Attachments

- Exhibit A – Preliminary Plat, City Park 2023 Replat
- Aerial Map
- Applicant's Letter of Intent
- Resolution PZ2023-13
- Park View Subdivision (Plat No. KN 79-156)
- City Park Subdivision No. 2 (Plat No. KN 2007-149)

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Linda Mitchell, Planning Director
DATE: July 28, 2023
SUBJECT: Resolution 2023-49 Planning and Zoning Commission Recommended Amendment

At the regularly scheduled Planning and Zoning Commission meeting of July 26, 2023, the Commission unanimously voted to recommend that the City Council approved the right-of-way vacation of Char Circle and exclude the portion of S. Spruce Street.

If the City Council agrees with the recommendation of the Planning and Zoning Commission the following amendment to Resolution 2023-49 is in order.

Motion

- Amend the Title to read:

“A RESOLUTION DECLARING THE RIGHTS-OF-WAY OF CHAR CIRCLE AS DEDICATED ON PARK VIEW SUBDIVISION (PLAT NO. KN 79-156) AND CITY PARK SUBDIVISION NO. 2 (PLAT NO. KN 2007-149) ~~[AND A PORTION OF S. SPRUCE STREET AS DEDICATION ON PARK VIEW SUBDIVISION (PLAT NO. KN 79-156) ARE]~~ IS NO LONGER NEEDED FOR A PUBLIC PURPOSE AND CONSENTING TO VACATION OF THE RIGHT~~[S]~~-OF-WAY.”

- Amend the third Whereas clause to read:

“WHEREAS, the total area of the right of way vacation~~[s]~~ is approximately ~~[0.749]~~0.39-acre of Char Circle as shown in Exhibit A; and,”

- Amend the sixth Whereas clause to read:

“WHEREAS, the right-of-way vacation~~[s]~~ of Char Circle ~~[AND A PORTION OF S. SPRUCE STREET]~~ will not negatively affect public access; and,”

- Amend the seventh Whereas clause to read:

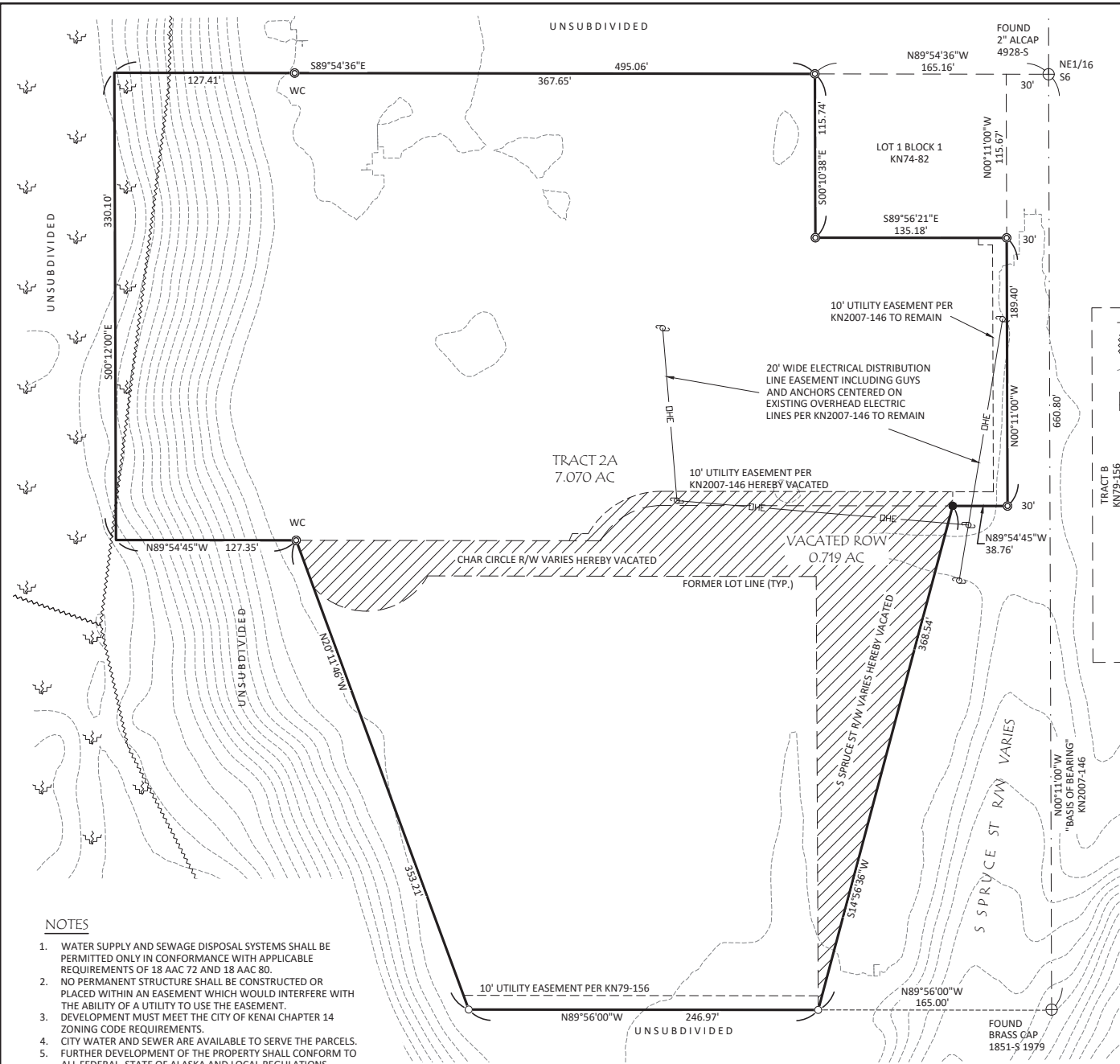
“WHEREAS, it is determined that Char Circle ~~[AND A PORTION OF S. SPRUCE STREET]~~ as identified in Exhibit A ~~[ARE]~~ is no longer needed for a public purpose.”

- Amend Section 1, to read:

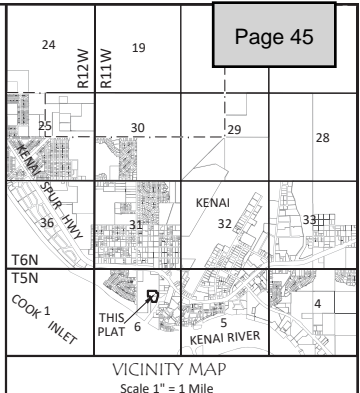
“That Char Circle as dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) ~~[AND A PORTION OF S. SPRUCE STREET AS DEDICATION DEDICATED ON PARK VIEW SUBDIVISION (PLAT NO. KN 79-156) ARE]~~ is no longer needed for a public purpose and consenting to vacation of the right~~[s]~~-of-way as identified in Exhibit A.”

Thank you for your consideration.

EXHIBIT A



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR
 - FOUND 2" ALCAP 4928-S
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - ⊖ POWER POLE
 - OVERHEAD ELECTRIC
 - ▨ AREA SUBJECT TO INUNDATION
 - - - CONTOUR INTERVAL = 4'
 - ▨ R/W HEREBY VACATED



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT BOYS AND GIRLS CLUB OF THE KENAI PENINSULA IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF BOYS AND GIRLS CLUB OF THE KENAI PENINSULA, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JEFF DOLIFKA - BOARD PRESIDENT
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA, OWNER TRACT A KN2007-146
320 S SPRUCE ST, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: JEFF DOLIFKA
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____, 2023
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA



Plat #

Rec Dist _____

Date _____ 20__

Time _____ M

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
 4. CITY WATER AND SEWER ARE AVAILABLE TO SERVE THE PARCELS.
 5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.

WASTEWATER DISPOSAL
PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL _____

CITY PARK SUBDIVISION 2023 REPLAT

A RESUBDIVISION OF TRACT A PARK VIEW SUBDIVISION KN79-156 AND TRACT A CITY PARK SUBDIVISION No.2 KN2007-146 AND THE ASSOCIATED R/W VACATION OF CHAR CIRCLE AND S SPRUCE STREET

CITY OF KENAI
OWNER TRACT A KN79-156
210 FIDALGO AVE STE 200, KENAI, AK 99611
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA
OWNER TRACT A KN2007-146
320 S SPRUCE ST, KENAI, AK 99611

7.070 AC - SITUATED IN THE NE1/4 SECTION 6, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM	KPB File No.	2023-xxx
	Project No.	232006

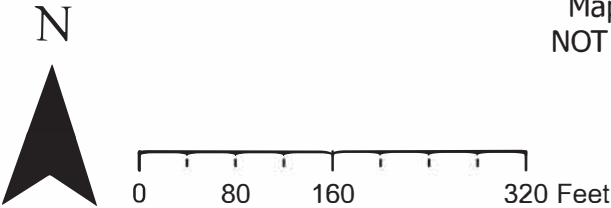
Scale: 1" = 50' Date: APR 2023 BOOK: XX-XX Drawn by: JAH

Resolution No. 2023-49 Right-of-Way Vacations of Char Circle and a Portion of S. Spruce Street



Date Printed: 7/25/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



July 20th, 2023

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Planning & Zoning


The Boys & Girls Clubs of the Kenai Peninsula is grateful to continue our partnership with the City of Kenai on our new headquarters campus. We are excited to implement the first phase of many capital projects to come.

The ROW vacation will enable the Club to maximize development as discussed during the City's land donation. The ROW vacation will not impact the public travel and will accommodate private access to an adjacent parcel.

Pending improvement include a new commercial kitchen, multi-purpose field, a 10,000 square foot Clubhouse, and a building expansion for early childcare education center (Opening in 2024!)

Thanks to your support, in 2022, our seven Clubs and athletic department served 2,500 youth in 5 communities. In, addition, we provided 62,000 meals after-school and during times schools were not in session, including winter, spring and summer camps; you have enabled us to provide essential resources and programs.

Sincerely,


Jeff Dolifka, Board President
Boys & Girls Clubs of the Kenai Peninsula



**BOYS & GIRLS CLUBS
OF THE KENAI PENINSULA**

Programs Office
320 S. Spruce Street
Kenai, Alaska 99611
907.283.2882
www.bgckp.com

Club Locations

Kasilof
Kenai
Kenai Teen Center
Nikiski
Nikiski Jr. /Sr. High
Seward
Soldotna

Board of Directors

Jeff Dolifka, President
Tim Redder, Vice President
Lela Rosin, Treasurer
Kyle Komelis, Secretary
Chris Hough, Past President
Mike Navarre
Sen. Peter Micciche
Kaarlo Wik
Ryan Tunseth
Kristen Lee
Shanda Richards
Melodie Allen
Katie Elsner

Honorary Board of Trustees

Rep, Mike Chenault

Executive Director

Shanette Wik

Cornerstone Sponsors



SOLDOTNA
City of Soldotna, Alaska



Ambassador of Youth



Champion of Youth





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-13**

A RESOLUTION **RECOMMENDING** THAT CITY PARK SUBDIVISION 2023 REPLAT PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 320 and 330 S. Spruce Street

LEGAL DESCRIPTIONS: Tract A, Park View Subdivision (Plat No. KN 79-156) and Tract A, City Park Subdivision No. 2 (Plat No. KN 2007-149)

KPB PARCEL NUMBERS: 04701018, -28

WHEREAS, the City of Kenai received a preliminary plat from McLane Consulting, Inc. on behalf of the property owner, Boys & Girls Club of the Kenai Peninsula; and,

WHEREAS, the plat meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Suburban Residential (RS) and Urban Residential (RU) zoning districts; and

WHEREAS, the street name is referenced correctly; and,

WHEREAS, the merged parcels will have access via S. Spruce Street, which is a City-maintained road; and

WHEREAS, City water and sewer lines are available to the proposed parcel; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission recommends City Council approve the vacation of Char Circle and exclude the portion of S. Spruce Street; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and the on-site water and sewer system will be subject to the regulatory requirements of the Public Works Department.
 2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning districts.
-

- 3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of City Park Subdivision 2023 Replat for a parcel merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision with right-of-way vacation of Char Circle be approved subject to the following condition.

- 1. Kenai City Council must consent to the vacation of a City right-of-way is not needed for a public purpose and approve the vacation of Char Circle and exclude the portion of S. Spruce Street.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of July, 2023.

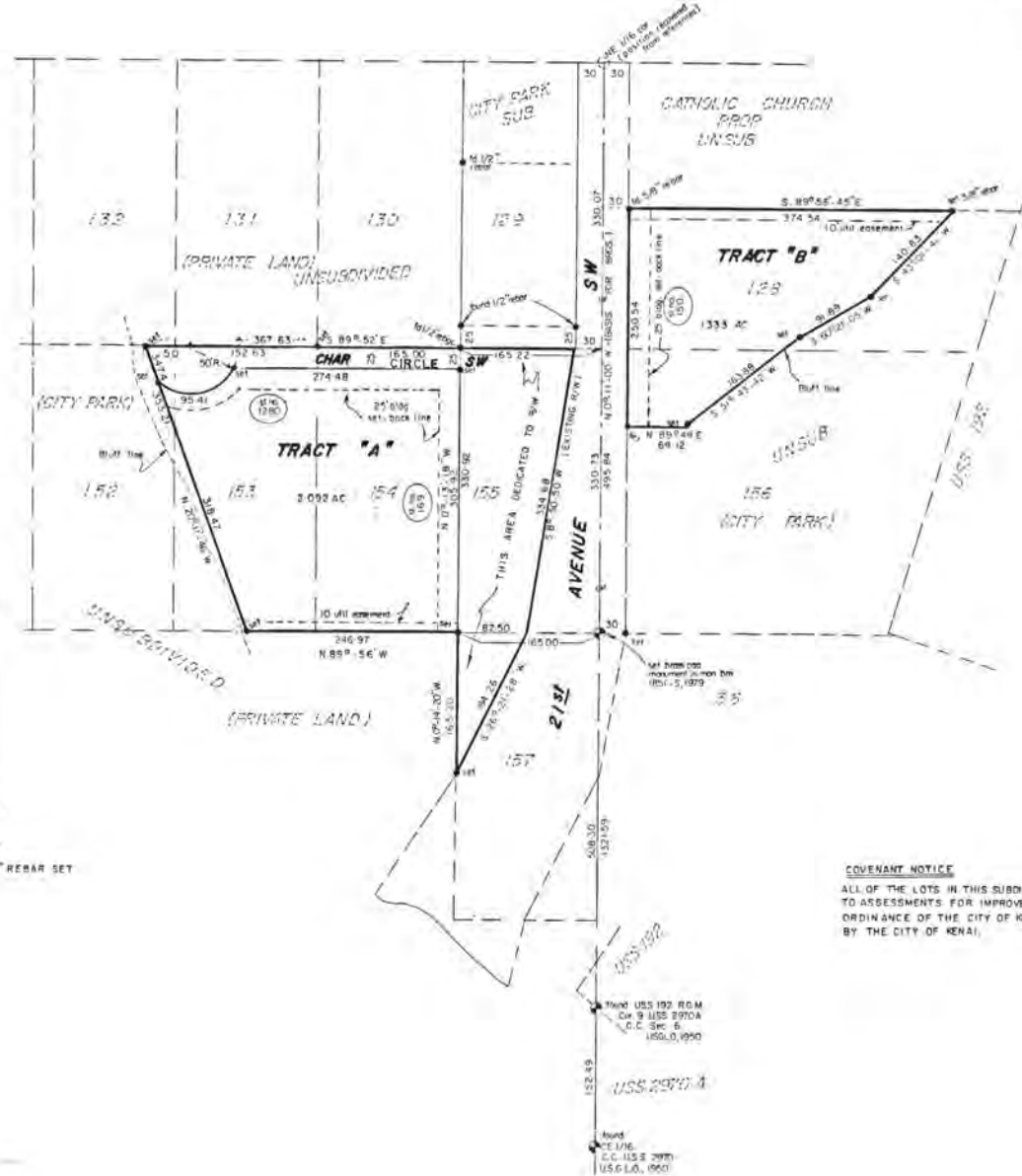
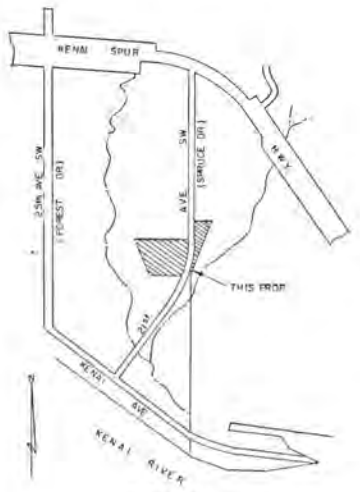
JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk

PARK VIEW SUBDIVISION

LOCATED WITHIN B.L.M. LOTS 128, 8
152-157, (ALL WITHIN THE NE 1/4)
SEC. 6, T.5 N., R.11 W., S.M., CITY OF KENAI, AK.
4652 AC. TOTAL AREA



CERTIFICATE OF OWNERSHIP & DEDICATION
I HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT THIS SUBDIVISION IS MADE WITH THE CONSENT OF THE CITY. I FURTHER CERTIFY THAT THE CITY OF KENAI DOES HEREBY DEDICATE TO PUBLIC USE AND THE USE OF PUBLIC UTILITIES, THE STREETS, AND EASEMENTS, AS SHOWN.

Eric Brown
CITY MANAGER

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC, THIS 20th DAY OF September, 1979.

Janice P. Taylor
ROBERT PUBLIC
MY COMMISSION EXPIRES 2/20/83

PLAT APPROVAL
THIS PLAT, HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF June 12, 1979, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPLICABLE THERE TO.

KENAI PENINSULA BOROUGH
By *Phyllis Waring*

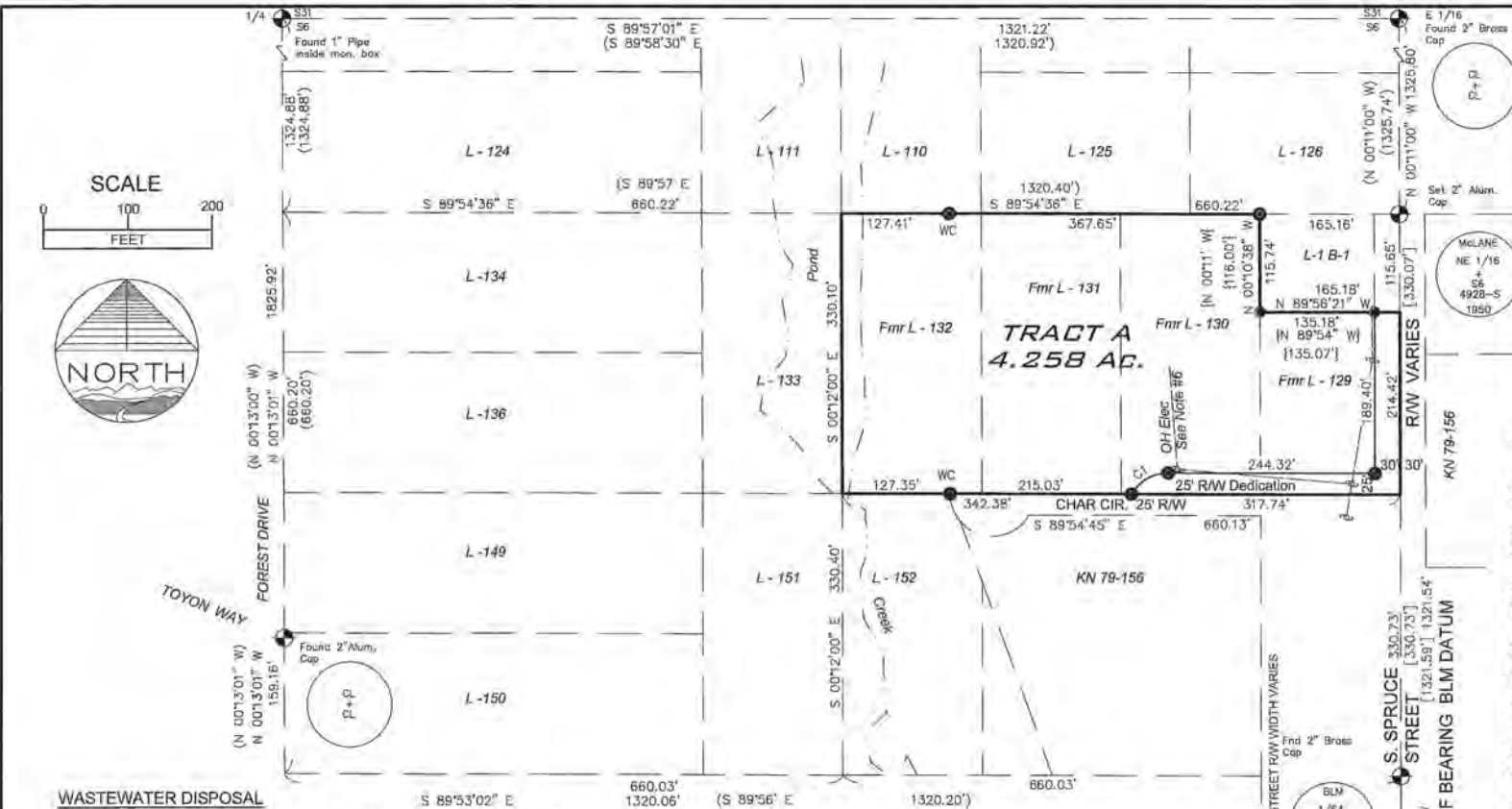
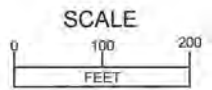
NOTE: ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAW AT TIME OF CONSTRUCTION.

COVENANT NOTICE
ALL OF THE LOTS IN THIS SUBDIVISION SHALL BE SUBJECT TO ASSESSMENTS FOR IMPROVEMENTS REQUIRED BY ORDINANCE OF THE CITY OF KENAI, WHEN INSTALLED BY THE CITY OF KENAI.

79-156
 APPROVED - [] 3"
Kona DIST.
 DATE 9-21 1979
 TIME 3:56 P.M.
 BY KPB



PARK VIEW SUBDIVISION	
CITY OF KENAI, BOX 560, KENAI, ALASKA 99511	
MALONE SURVEYING BOX 566 KENAI, ALASKA 99511	
DATE: 5-21-79	BY: JFM / CKD: HM



WASTEWATER DISPOSAL
Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	52.36	50.00	80°00'00"	28.87	50.00	S60°05'15"W

NOTARY'S ACKNOWLEDGEMENT

FOR: ERIC DERLETH
Subscribed and sworn before me this 19th day of DECEMBER, 2007.
My commission expires 10/15/2011

Bethany Olson
Notary Public for the State of Alaska
BETHANY OLSON
NOTARY PUBLIC
My Comm. Exp. 10/15/2011

NOTARY'S ACKNOWLEDGEMENT

FOR: Linda Hutchings
Subscribed and sworn before me this 21st day of DECEMBER, 2007.
My commission expires 11/09/2011
Linda Hutchings
Notary Public for the State of Alaska

LEGEND

- BLM monument as described
- Found 1/2" diam. rebar
- Set 5/8" x 30" diam. rebar w/ 2" diam. alum. cap 4928-S
- Primary survey monument as described
- () Record data BLM [] KN 79-15B [] KN 74-82

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of August 13, 2007.

KENAI PENINSULA BOROUGH by *M. M. Scott*
Authorized Official

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The front ten (10) feet along street rights of ways and the front twenty (20) feet within five (5) of the side lot lines is also a utility easement unless shown otherwise.
- 5) Development is subject to the City of Kenai Title 14 Zoning Code.
- 6) The existing overhead electric line is the centerline of a twenty (20) foot wide electrical distribution line easement including guys and anchors.
- 7) Survey monumentation to be completed prior to June 1, 2008.



2007-146
Kenai REC. DIST.
Date 12-28-07
Time 1:39 P.M.
Requested by McLANE
Address _____

CITY PARK SUBDIVISION No. 2

A REPLAT OF THE REMAINDER OF LOT 129, AND LOTS 130, 131, AND 132
KPCCC Inc.
320 S. Spruce St. Kenai AK 99511
LOCATION
4.584 acres ML situated in the Lots 129, 130, 131, and 132, Section 6, T6N, R11W, S.M., AK, the City of Kenai, Kenai Peninsula Borough and the Kenai Recording District.

	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA AK 99589 VOIC: (907) 383-2118 FAX: (907) 383-3265 WWW.MCLANECG.COM	KPB FILE NO. 2007-207
	PROJECT NO. 072029	

SCALE: 1" = 100' DATE: OCT 07' BOOK NO.: 07-09 DRAWN BY: SAM

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: SEPTEMBER 6, 2023**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	97,688.64
PREMERA	SEPTEMBER PREMIUM	VARIOUS	INSURANCE	200,045.18
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	99,464.28

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
---------------	--------------------	----------------------	---------------	---------------------



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: August 21, 2023
SUBJECT: **Liquor License Renewal – Kenai Joe’s Taphouse**

The following establishment has submitted applications to the Alcohol and Marijuana Control Office (AMCO) for a renewal of licenses:

Applicant: Kenai Joe’s Taphouse, LLC
D/B/A: Kenai Joe’s Taphouse, LLC
License Type: Beverage Dispensary
License No.: 626

Pursuant to KMC 2.40, a review of City accounts has been completed on the applicants and they have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the liquor license renewal will be forwarded to the ABC Board and the applicants.

Your consideration is appreciated.



THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

July 10, 2023

The City of Kenai & Kenai Peninsula Borough

Via Email: cityclerk@kenai.city; micheleturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; iratky@kpb.us; jvanhooose@kpb.us; cjackinsky@kpb.us; maldridge@kpb.us; slopez@kpb.us; jblankenship@kpb.us; bcarter@kpb.us; g_notify_assemblyclerk@kpb.us;

Re: Notice of 2023/2024 Liquor License Renewal Application

Table with 4 columns: License Type, Licensee, Doing Business As, License Number. License Type: Beverage Dispensary, License Number: 626, Licensee: Kenai Joe's Taphouse, LLC, Doing Business As: Kenai Joe's Taphouse, LLC.

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Handwritten signature of Joan M. Wilson

Joan Wilson, Director amco.localgovernmentonly@alaska.gov

Submit

by Meghan Thibodeau 7/19/2023 10:09:43 AM (Form Submission)

Approve

by Cindy Herr 7/19/2023 10:31:28 AM (Legal Asst Review)

■ No monies owed in traffic fines or restitution to the City of Kenai.

- The task was assigned to Cindy Herr. The due date is: July 28, 2023 5:00 PM 7/19/2023 10:09:45 AM

Approve

by Tina Williamson 7/19/2023 11:46:02 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: July 28, 2023 5:00 PM 7/19/2023 10:09:45 AM

Approve

by Jeremy Hamilton 7/19/2023 12:36:23 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: July 28, 2023 5:00 PM 7/19/2023 10:09:44 AM

Approve

by David Ross 7/21/2023 10:06:42 AM (Police Department Review)

- The task was assigned to David Ross. The due date is: July 28, 2023 5:00 PM 7/19/2023 10:09:45 AM

Approve

by Linda Mitchell 7/26/2023 11:28:53 AM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: July 28, 2023 5:00 PM 7/19/2023 10:09:45 AM

Approve

by Linda Mitchell 7/26/2023 11:29:36 AM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: August 4, 2023 5:00 PM 7/26/2023 11:28:55 AM

Approve

by David Swarner 8/10/2023 12:56:24 PM (Finance Review)

- The task was assigned to Lana Metcalf. The due date is: August 4, 2023 5:00 PM 7/26/2023 11:28:54 AM
- Tabby Smallwood reassigned the task to David Swarner 8/10/2023 12:43:04 PM

Approve

by Scott Bloom 8/10/2023 2:23:28 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: August 4, 2023 5:00 PM 7/26/2023 11:28:54 AM

Approve

by Donald Hendrickson 8/21/2023 4:32:09 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: July 28, 2023 5:00 PM 7/19/2023 10:09:44 AM

AMCO License Application

Date

7/7/2023

Establishment Information

License Type

Beverage Dispensary

Licensee

Kenai Joe's Taphouse, LLC

Doing Business As

Kenai Joe's Taphouse, LLC

Premises Address

800 Cook Ave

City, State

Kenai, AK

Contact Information

Contact Licensee

Joseph Gilman

Contact Phone No.

907-953-7004

Contact Email

jegilman@gmail.com

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

#626 Complete Renewal w Temp.pdf

3.84MB

LGB Renewal Notice 626.pdf

261.51KB



AB-17: 2023/2024 License Renewal Application

Alcohol and Marijuana Control Office
550 W 7th Avenue,
Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Section 1 - Establishment Contact Information

Licensee (Owner):	Kenai Joe's Taphouse, LLC	License #:	626
License Type:	Beverage Dispensary		
Doing Business As:	Kenai Joe's Taphouse, LLC		
Local Governing Body:	Kenai, Kenai Peninsula Borough		
Community Council:	Kenai City Council		

If your mailing address has changed, write the NEW address below:

Mailing Address:	PO Box 1401				
City:	Kenai	State:	AK	ZIP:	99611

Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Joseph Gilman	Contact Phone:	907-953-7004
Contact Email:	jegilman@gmail.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license, list their information below:

Name of Contact:		Contact Phone:	
Contact Email:			

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2022 and/or 2023?

YES NO

AMCO
DEC 22 2022



Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certification

YES NO

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have **NOT** notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.

[Handwritten initials]

Section 5 – License Operation

Check **ONE BOX** for EACH CALENDAR YEAR that best describes how this liquor license was operated:

	2021	2022
1. The license was operated for more than 240 hours throughout each year. (Year-round)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. The license was only operated during a specified time each year. (Not to exceed 6 months per year) <i>If your operation dates have changed, list them below:</i> _____ to _____	<input type="checkbox"/>	<input type="checkbox"/>
3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year. <i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i>	<input type="checkbox"/>	<input type="checkbox"/>
4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> If you have not met the minimum number of hours of operation in 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "Other" and COVID is listed as the reason.	<input type="checkbox"/>	<input type="checkbox"/>

Section 6 - Violations and Convictions

YES NO

Have **ANY** Notices of Violation been issued for this license?

Has **ANY** person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2021 or 2022?

If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)

If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.

Section 7 – Certifications

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and I have provided AMCO with all required changes of the ownership structure of the business license, and have provided all required documents for any new or changes of officers.

AMCO

DEC 3 2022



Form AB-17: 2023/2024 License Renewal Application

- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

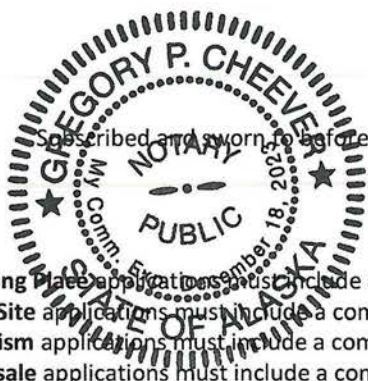
[Signature]
Signature of licensee

[Signature]
Signature of Notary Public

Joseph Gilman
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 12/18/2023



Subscribed and sworn to before me this 19th day of December, 2022.

- Restaurant and Eating Place** applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site** applications must include a completed AB-36: Recreational Site Statement
- Tourism** applications must include a completed AB-37: Tourism Statement
- Wholesale** applications must include a completed AB-25: Supplier Certification
- Common Carrier** applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

FOR OFFICE USE ONLY

#100521909

License Fee:	\$	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$

AMCO
DEC 22 2022



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Acting Borough Clerk

7/27/2023

Sent via email: cityclerk@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : Kenai Joe's Taphouse, LLC
Business Name : Kenai Joe's Taphouse, LLC
License Type : Beverage Dispensary
License Location : 800 Cook Avenue, Kenai, AK 99611, City of Kenai
License No. : 626
Application Type : License Renewal

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: jegilman@gmail.com;

<mailto:amco.localgovernmentonly@alaska.gov>

MT/jb



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: August 21, 2023
SUBJECT: **Liquor License Transfer of Ownership – Jersey Subs AK**

The following establishment has submitted applications to the Alcohol and Marijuana Control Office (AMCO) for a transfer of license:

Applicant: Jersey Subs AK, LLC
D/B/A: Jersey Subs AK
License Type: Restaurant Eating Place Liquor License & Restaurant Designation Permit
License No.: 5900

Pursuant to KMC 2.40, a review of City accounts has been completed on the applicants and they have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the transfer of ownership will be forwarded to the ABC Board and the applicants.

Your consideration is appreciated.



July 21, 2023

City of Kenai, Kenai Peninsula Borough
Attn: [MULTIPLE](#)

License Type:	Restaurant Eating Place	License Number:	5900
Licensee:	Jersey Subs AK LLC		
Doing Business As:	Jersey Subs AK		
Premises Address:	106 South Willow Suite 3		

- New Application**
 Transfer of Ownership Application
 Transfer of Location Application
 Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provides that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,
Joan Wilson Director
amco.localgovernmentonly@alaska.gov

Submit

by Meghan Thibodeau 7/24/2023 3:30:34 PM (Form Submission)

Approve

by David Ross 7/24/2023 3:36:32 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: August 2, 2023 5:00 PM 7/24/2023 3:30:35 PM

Approve

by Cindy Herr 7/24/2023 3:47:55 PM (Legal Asst Review)

■ No monies owed in restitution or traffic fines.

- The task was assigned to Cindy Herr. The due date is: August 2, 2023 5:00 PM 7/24/2023 3:30:36 PM

Approve

by Tina Williamson 7/25/2023 9:11:47 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: August 2, 2023 5:00 PM 7/24/2023 3:30:36 PM

Approve

by Linda Mitchell 7/25/2023 2:36:28 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: August 2, 2023 5:00 PM 7/24/2023 3:30:36 PM

Approve

by Linda Mitchell 7/25/2023 2:36:40 PM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: August 3, 2023 5:00 PM 7/25/2023 2:36:29 PM

Approve

by Scott Bloom 7/25/2023 2:56:39 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: August 3, 2023 5:00 PM 7/25/2023 2:36:29 PM

Approve

by Lana Metcalf 7/25/2023 3:32:08 PM (Finance Review)

- The task was assigned to Lana Metcalf. The due date is: August 3, 2023 5:00 PM 7/25/2023 2:36:29 PM

Approve

by Jeremy Hamilton 7/26/2023 6:36:42 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: August 2, 2023 5:00 PM 7/24/2023 3:30:35 PM

Approve

by Donald Hendrickson 8/21/2023 4:32:22 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: August 2, 2023 5:00 PM 7/24/2023 3:30:35 PM

AMCO License Application

Date

7/24/2023

Establishment Information

License Type

Restaurant Eating Place Liquor License/Restaurant Designation Permit

Licensee

Jersey Subs AK LLC

Doing Business As

Jersey Subs AK

Premises Address

106 South Willow Suite 3

City, State

Kenai, AK

Contact Information

Contact Licensee

Dil Uhlin

Contact Phone No.

907-513-1938

Contact Email

jerseysubak@gmail.com

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

5900 AB-01.pdf	4MB
5900 AB-02.pdf	2.26MB
5900 AB-03.pdf	4.48MB
5900 LGB Notice.pdf	249.66KB



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Why is this form needed?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's Anchorage office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Jersey Subs, Inc	License #:	5900
License Type:	Restaurant Eating Place	Statutory Reference:	04.11.100
Doing Business As:	Jersey Subs		
Premises Address:	106 South Willow Suite 3		
City:	Kenai	State:	AK
		ZIP:	99611
Local Governing Body:	Kenai Peninsula Borough		

Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY

Complete Date:		Transaction #:	100553960
Board Meeting Date:		License Years:	
Issue Date:		Examiner:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Jersey Subs AK LLC				
Doing Business As:	Jersey Subs AK				
Premises Address:	106 S Willow St Suite #3,				
City:	Kenai	State:	AK	ZIP:	99611
Community Council:					

Mailing Address:	PO BOX 8602				
City:	Nikiski	State:	AK	ZIP:	99635

Designated Licensee:	Dil Uhlin				
Contact Phone:	907-513-1938	Business Phone:	907-513-1938		
Contact Email:	jerseysubak@gmail.com				

Seasonal License? Yes No If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

- an existing facility a new building a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.



Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
 If more space is needed, please attach a separate sheet with the required information.
 The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
 If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Dil Uhlin				
Title(s):	Member	Phone:	907-513-1938	% Owned:	50
Address:	PO BOX 8602				
City:	Nikiski	State:	AK	ZIP:	99635



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Jessica Nichole Uhlin				
Title(s):	Member	Phone:	907-513-1938	% Owned:	50
Address:	PO BOX 8602				
City:	Nikiski	State:	AK	ZIP:	99635

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10212156	AK Formed Date:	10/29/22	Home State:	AK
Registered Agent:	Dil Uhlin	Agent's Phone:	907-513-1938		
Agent's Mailing Address:	PO BOX 8602				
City:	Nikiski	State:	AK	ZIP:	99635

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?



Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

The Law Offices of Ernouf & Coffey, P.C. is assisting with the license transfer process.



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Kathleen Musick

Signature of transferor

KATHLEEN MUSICK

Printed name of transferor

Subscribed and sworn to before me this 20 day of January, 2023.

Margo Coyaso

Signature of Notary Public



Notary Public in and for the State of Alaska.

My commission expires: 6/30/25

Chris Fallow

Signature of transferor

Chris Fallow

Printed name of transferor

Subscribed and sworn to before me this 20th day of January, 2023.

Margo Coyaso

Signature of Notary Public



Notary Public in and for the State of Alaska.

My commission expires: 6/30/25



Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

I certify that all proposed licensees have been listed with the Division of Corporations.

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.



Signature of transferee
 Dil Uhlin

Printed name

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 6/30/25

Subscribed and sworn to before me this 20th day of January, 2023



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Why is this form needed?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrées prepared on-site and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Jersey Subs AK, LLC		
License Type:	Restaurant Eating Place	License Number:	5900
Doing Business As:	Jersey Subs AK		
Premises Address:	106 S Willow St Suite #3,		
City:	Kenai	State:	AK
		ZIP:	99611
Contact Name:	Dil Uhlin	Contact Phone:	907-513-1938

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for any persons under 21 years of age: AS 04.16.049(c)
 NOTE: Under AS 04.16.049(d), a Department of Labor and Workforce Development work permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minor customers will only be permitted in the dining area, outside seating area, and restroom areas. Minor Employees will only be permitted in the Kitchen, dining area, and restrooms. No minor employees will be allowed behind the bar.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Storage: All alcohol will be locked in secure storage. This will only be accessible by the restaurant owners, general manager and bar tender. Each of these individuals will be at least 21 years old and will hold on their persons a current TAP or eTIP card verifying that they have been trained to control the distribution and service of alcoholic beverages in Alaska.
Access/Service: There will be no alcohol sales or delivery outside. An owner or manager is always on site and monitors the consumption of alcohol.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes No

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.

MAR 30 2023



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Monday - Friday 9 am to 6 pm

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes No

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

table service buffet service counter service other

If "other", describe the manner of food and beverage service offered or anticipated:



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrées that are regularly sold and prepared by the licensee at the licensed premises.

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.

(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Dil Uhlin

Printed name of licensee

Signature of licensee

Local Government Review (to be completed by an appropriate local government official):

Approved

Denied

Signature of local government official

Date

Printed name of local government official

Title



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Borough Clerk

8/4/2023

Sent via email: cityclerk@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant : Jessica Nichole Uhlin
Business Name : Jersey Subs
License Type : Restaurant/Eating Places - Public Convenience
License Location : 106 S. Willow Street, Suite #3, Kenai, AK 99611, City of Kenai
License No. : 5900
Application Type : Transfer of Owner

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: jerseysubsak@gmail.com;

<mailto:amco.localgovernmentonly@alaska.gov>

MT/jb



MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
FROM: Shellie Saner, City Clerk
DATE: August 30, 2023
SUBJECT: **Marijuana License Renewal – Herban Extracts**

The following establishment submitted an application to the Alcohol and Marijuana Control Office (AMCO) for a renewal of marijuana license:

Applicant: Herban Extracts, LLC
D/B/A: Herban Extracts, LLC
License Type: Marijuana Product Manufacturing Facility
License No: 14432

Pursuant to KMC 2.40 a review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the marijuana license renewal will be forwarded to AMCO and applicant.

Your consideration is appreciated.



THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

August 15, 2023

From: marijuana.licensing@alaska.gov ; amco.localgovernmentonly@alaska.gov

Licensee: HERBAN EXTRACTS, LLC

DBA: HERBAN EXTRACTS, LLC

VIA email: lisa@ljoutfitters.com

CC: n/a

Local Government: Kenai Peninsula Borough, City of Kenai

Via Email: micheleturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; nscarlett@kpb.us; cjackinsky@kpb.us; rraidmae@kpb.us; slopez@kpb.us; bcarter@kpb.us; jbeauchamp@kpb.us; cityclerk@kenai.city

Community Council: n/a

Via Email:

CC: n/a

BCC: amco.admin@alaska.gov

Re: Retail Marijuana Store #14432 Combined Renewal Notice

Table with 2 columns: Field Name and Value. Fields include License Number (#14432), License Type (Marijuana Product Manufacturing Facility), Licensee (HERBAN EXTRACTS, LLC), Doing Business As (HERBAN EXTRACTS, LLC), Physical Address (14927 Kenai Spur Highway, Kenai, AK 99611), Designated Licensee (Lisa Coates), Phone Number (907-252-4755), and Email Address (lisa@ljoutfitters.com).

[X] License Renewal Application

[] Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)

AMCO has received a complete renewal application for the above listed license within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To object to the approval of this application pursuant to 3 AAC 306.065, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the objection within 30 days of the date of this notice. We recommend that you contact the local government with jurisdiction over the proposed premises to share objections you may have about the application.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application independently. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email marijuana.licensing@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Wilson". The signature is written in a cursive, flowing style.

Joan M. Wilson, Director
907-269-0350

Submit

by Shellie Saner 8/15/2023 2:08:56 PM (Form Submission)

Approve

by David Ross 8/15/2023 3:37:20 PM (Police Department Review)

- The task was assigned to David Ross. The due date is: August 24, 2023 5:00 PM 8/15/2023 2:08:58 PM

Approve

by Tina Williamson 8/15/2023 3:50:25 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: August 24, 2023 5:00 PM 8/15/2023 2:08:59 PM

Approve

by Cindy Herr 8/15/2023 5:30:45 PM (Legal Asst Review)

- There are no monies owed in restitution or traffic fines.
- The task was assigned to Cindy Herr. The due date is: August 24, 2023 5:00 PM 8/15/2023 2:08:59 PM

Approve

by Linda Mitchell 8/16/2023 6:40:44 PM (Lands Review)

- The task was assigned to Linda Mitchell. The due date is: August 24, 2023 5:00 PM 8/15/2023 2:08:59 PM

Approve

by Scott Bloom 8/16/2023 6:43:04 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: August 25, 2023 5:00 PM 8/16/2023 6:40:45 PM

Approve

by David Swarner 8/17/2023 4:50:58 PM (Finance Review)

- The task was assigned to David Swarner. The due date is: August 25, 2023 5:00 PM 8/16/2023 6:40:45 PM

Approve

by Donald Hendrickson 8/21/2023 4:31:56 PM (Building Official Review)

- The task was assigned to Donald Hendrickson. The due date is: August 24, 2023 5:00 PM 8/15/2023 2:08:58 PM

Approve

by Linda Mitchell 8/23/2023 4:58:08 PM (P&Z Department Review)

- The task was assigned to Linda Mitchell. The due date is: August 25, 2023 5:00 PM 8/16/2023 6:40:45 PM

Approve

by Jeremy Hamilton 8/30/2023 2:26:28 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: August 24, 2023 5:00 PM 8/15/2023 2:08:58 PM

AMCO License Application

Date

8/15/2023

Establishment Information

License Type

Marijuana Product Manufacturing Facility

Licensee

Herban Extracts, LLC

Doing Business As

Herban Extracts, LLC

Premises Address

14927 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Lisa Coates

Contact Phone No.

907-252-4755

Contact Email

lissa@ljoutfitters.com

Additional Contact Information

Name

Buddy Crowder

Phone No.

907-398-1694

Email

lissa@ljoutfitters.com

Documents

File Upload

#14432 Herban Extracts, LLC Combined MJ Renewal Notice .pdf 2.52MB



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Herban Extracts, LLC	License Number:	14432		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Herban Extracts, LLC				
Premises Address:	14927 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Lisa Coates				
Title:	Manager/Member				

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

LC

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

LC

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

LC

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

LC

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

LC

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

LC

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

[Empty rectangular box for listing license numbers]

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

LC

Lisa Coates

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Herban Extracts, LLC	License Number:	14432		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Herban Extracts, LLC				
Premises Address:	14927 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Buddy Crowder
Title:	Member

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

BC

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

BC

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

BC

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

BC

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

BC

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

BC

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

BC

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

BC

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

BC

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

BC

Buddy Crowder

Printed name of licensee

Buddy Crowder

Signature of licensee



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Michele Turner, CMC
Borough Clerk

August 22, 2023

Ms. Shellie Saner
City of Kenai Clerk
210 Fidalgo Ave.
Kenai, AK 99611

RE: Non-Objection of Marijuana License Renewal Application
Business Name : Herban Extracts, LLC
License Type : Marijuana Product Manufacturing Facility
License Location : 14927 Kenai Spur Highway, Kenai, AK 99611
License No. : 14432

Dear Ms. Saner,

This serves to advise that the Kenai Peninsula Borough Finance Department has reviewed the above referenced application and has no objection to this Marijuana Renewal Application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: lisa@ljoutfitters.com

amco.localgovernmentonly@alaska.gov

MT/JB



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Mary Bondurant, Interim Airport Manager

DATE: August 28, 2023

SUBJECT: **Action/Approval Special Use Permit for Corvus Airlines, Inc. DBA Ravn Alaska, LLC for Use of Warm Storage 1**

Ravn Alaska is requesting a Special Use Permit for de-icing vehicle storage from October 1, 2023 to April 30, 2024.

The permit is for 1,200 square feet of Warm Storage 1 for overnight heated storage for \$1,200 a month plus applicable sales tax.

Ravn Alaska is current on all fees owed and we have a current Certificate of Insurance on file. The Special Use Application Fee of \$100 has been paid.



**City of Kenai
Special Use Permit
Application**

Application Date: 08/22/2023

Applicant Information

Name of Applicant:	RavnAlaska						
Mailing Address:	4700 Old International Airport Rd.	City:	Anchorage	State:	AK	Zip Code:	99502
Phone Number(s):	Home Phone: ()		Work/ Message Phone: () 907-865-8715				
E-mail: (Optional)	Faimanifo.Faletagoai@ravnalaska.com						
Name to Appear on Permit:	Ravn Alaska						
Mailing Address:	4700 Old International Airport Rd.	City:	Anchorage	State:	AK	Zip Code:	99502
Phone Number(s):	Home Phone: ()		Work/ Message Phone: () 907-865-8715				
E-mail: (Optional)	Faimanifo.Faletagoai@ravnalaska.com						
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information

Legal or physical description of the property:	Warm Storage 1
Description of the proposed business or activity intended:	Heated overnight storage for Ravn Alaska deice vehicle.
Is the area to be used in front of or immediately adjacent to any established business offering the same or similar products or services upon a fixed location?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Would the use under this permit interfere with other businesses through excessive noise, odor, or other nuisances?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If you answered yes to any of the above questions, please explain:	

What is the term requested (not to exceed one year)? October 1, 2023 through April 30, 2024

Requested Starting Date: October 1, 2023

Signature:		Date:	08/22/2023
Print Name:	Jason McEnerney	Title:	Ravn Alaska Kenai Station Manager

For City Use Only:

- General Fund Airport Reserve Land
 Airport Fund Outside Airport Reserve

Date Application Fee Received: _____

City Council Action/Resolution: _____

Account Number: _____

SPECIAL USE PERMIT 2023-2024

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **CORVUS AIRLINES, INC, d/b/a RAVN ALASKA, LLC** (PERMITTEE) the non-exclusive right to use 1,200 square feet of area as described below:

Tract A FBO Subdivision consisting of approximately 1,200 square feet in an area described as Warm Storage 1.

and as further shown in the attached Exhibit A.

1. **TERM.** This special use permit shall be for approximately seven (7) months from October 1, 2023 to April 30, 2024.
2. **PERMIT FEES.** The Permittee shall be charged a monthly permit fee of \$1,200 plus applicable sales tax.

The Permittee shall pay the City the permit fee by the 10th day of the preceding month.

Checks, bank drafts, or postal money orders shall be made payable to the City of Kenai and delivered to the City Hall, 210 Fidalgo Avenue, Kenai, Alaska 99611.

In addition to the permit fee specified above, the Permittee agrees to pay to the appropriate parties all levies, assessments, and charges as hereinafter provided:

- A. Sales tax not enforced, or levied in the future, computed upon the permit fee payable in monthly installments whether said fee is paid on a monthly or yearly basis;
 - B. All necessary licenses and permits; all lawful taxes and assessments which, during the term hereof may become a lien upon or which may be levied by the State, Borough, City, or by any other tax levying body, upon any taxable possessory right which Permittee may have in or to the Premises by reason of its use or occupancy or by reason of the terms of this Permit, provided however, that nothing herein contained shall prevent Permittee from contesting any increase in such tax or assessment through procedures provided by law.
 - C. Interest at the rate of eight percent (8%) per annum and penalties of ten percent (10%) of any amount of money owed under this Special Use Permit which are not paid on or before the due date.
 - D. Costs and expenses incident to this Special Use Permit, including but not limited to recording costs.
 - E. Annual Special Use Permit Application fee of \$100.00 plus applicable sales tax.
3. **USE.** The use by the Permittee of the Premises is limited to the purpose of Storage for De-ice Vehicle. This use is subject to City, Borough, and State laws and regulations and the

reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:

- A. Permittee shall use the Premises only for storage of one de-ice vehicle.
 - B. The premises shall be returned to its current condition prior to the end of the term of this Special Use Permit.
4. **INSURANCE.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, the City is entitled to coverage to the extent of the higher limits.
- A. Garage Liability or Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.
 - B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
 - C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses for snow moving and storage activities to, from, or on the Premises. The policy must name the City as an additional insured.
 - D. All insurance required must meet the following additional requirements:
 - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
 - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
 - iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
 - iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.

- v. Evidence of insurance coverage must be submitted to City by October 1, 2023. The effective date of the insurance shall be no later than October 1, 2024.
 - vi. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. This insurance shall be without limitation on the time within which the resulting loss, damage, or injury is actually sustained.
5. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.
6. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.
7. **PERSONALTY.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit. Personal property placed or used upon the Premises and not removed upon termination of this Permit will be removed and/or impounded by the City. Property removed or impounded by the City may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus a storage fee of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personal property of Permittee or its customers.
8. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.

- 9. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
- 10. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.
- 11. **ASSIGNMENT.** Permittee may not assign, by grant or implication, the whole any part of this Permit, the Premises, or any improvement on the Premises without the written consent of the City. Unless the City specifically releases the Permittee in writing, the City may hold the Permittee responsible for performing any obligation under this permit which an assignee fails to perform.
- 12. **ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
- 13. **NO JOINT VENTURE.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
- 14. **SURVIVAL.** The obligations and duties of Permittee under paragraphs 5 and 6 of this Permit shall survive the cancellation, termination, or expiration of this Permit.
- 15. **AUTHORITY.** By signing this Permit, Permittee represents that is has read this agreement and consents to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the business to bind the business hereunder.

CITY OF KENAI

Corvus Airlines, Inc. dba Ravn Alaska, LLC

By: _____

By: _____

Terry Eubank
City Manager

Date:

Dallas Anthony
Director of Airports

Date:

ACKNOWLEDGMENTS

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, the foregoing instrument was acknowledged before me by Terry Eubank, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, the foregoing instrument was acknowledged before me by Dallas Anthony, Director of Airports of Corvus Airlines, Inc. dba Ravn Alaska, LLC, an Alaska limited liability company, on behalf of the company.

Notary Public for Alaska
My Commission Expires: _____

ATTEST:

APPROVED AS TO FORM:

Scott Bloom, City Attorney



Exhibit A:
Ravn Alaska Special Use Permit Area
City of Kenai Shop Yard

Parcel No:
04336001

Tract A, FBO Subdivision

125'
1 inch equals 145 feet



The information depicted hereon is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: August 29, 2023

SUBJECT: **Action/Approval - Consent to Assignment and Assignment and Assumption of Lease Agreement, of Lot 3, Block 1, General Aviation Apron No. 1 Amended to Vickie L. Tyler**

David K. Lunt, on behalf of Schilling Rentals, LLC submitted an application and application fee for an Assignment and Assumption of Lease Agreement from Schilling Rentals, LLC, Assignor to Vickie L. Tyler, Assignee. The applicant notes that the lease assignment is for financing to erect a hangar. The applicant plans to erect a 6,000 square foot hangar. A map of the parcel is attached to this memorandum.

The original Lease of Airport Lands was executed by the City of Kenai, Lessor, and Vernon Lofstedt and Southcentral Air, Inc., Lessee, on August 19, 1985, for Lot 3, Block 1, General Aviation Apron and recorded on September 4, 1985, in Book 269 at Pages 985-999c. The subject Lease was initially issued for a “charter operations and operation and maintenance of aircraft used in scheduled commuter service” and amended to “hangar and office facility, air cargo services, maintenance and operation of aircraft, including fueling.” Any changes in use would require a lease amendment. The term of the lease is for 55 years, expiring on June 30, 2040. The lease has been assigned over the years, and the most recent Assignment and Assumption of Lease was from SOAR International Ministries, Inc. to Schilling Rentals, LLC, which was executed and recorded in 2019. The Lessee is in compliance with the terms and conditions of the lease.

Section D, paragraph 3 of the Lease of Airport Lands stipulates that “Lessee with City’s written consent, which will not be unreasonably denied, may assign for other than collateral purposes, in whole or in part, its rights as lessee hereunder.”

If City Council approves the Consent to Assignment and Assumption of Lease Agreement, the City Manager will be authorized to sign the Consent to Assignment and the Assignment of Lease may be executed by the parties.

Thank you for your consideration.

Attachments

Aerial Map

Lease Assignment Application

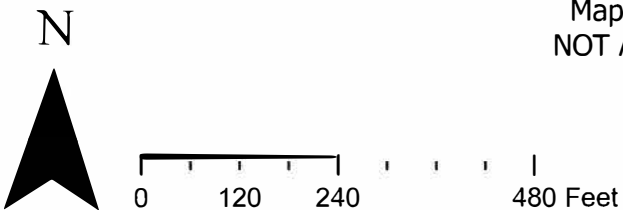
Draft Consent to Assignment and Assignment and Assumption of Lease Agreement



Lease Assignment
Lot 3, Block 1 General Aviation Apron
No. 1 Amended
125 FBO Road
KPB Parcel ID: 04324003



Map for Reference Only
NOT A LEGAL DOCUMENT





**City of Kenai
Land Lease Application**

Application for:	<input type="checkbox"/> New Lease
<input type="checkbox"/> Amendment	<input type="checkbox"/> Extension
<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Renewal
Application Date:	8/21/2023

Applicant Information

Name of Applicant:	Schilling Rentals LLC						
Mailing Address:	Po Box 3426	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: 907-283-7556		Work/ Message Phone:				
E-mail: (Optional)							
Name to Appear on Lease:							
Mailing Address:		City:		State:		Zip Code:	
Phone Number(s):	Home Phone:		Work/ Message Phone:				
E-mail: (Optional)							
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):
 Lot 3, Block, GAA1 125 FBO Kenai, AK 99611

Does the property require subdivision? (if Yes, answer next questions) YES NO
 Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:

1. Do you believe the proposed subdivision would serve other City purposes? YES NO

2. If determined it does not, applicant is responsible for all subdivision costs. Initials _____

If an appraisal is required to determine the minimum price on the land, applicant is responsible for the deposit to cover costs associated with appraisal. If a sale is approved, the cost of the appraisal will be either refunded or credited to the applicant. Initials _____

It is the responsibility of the applicant to cover recording costs associated with lease. Initials _____

Do you have or have you ever had a Lease with the City? (if Yes, answer next question) YES NO

1. Legal or brief description of property leased:

Request a Lease with an Option to Purchase once development requirements are met? YES NO

Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years):

Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years):

Requested Starting Date:

Proposed Use and Improvements

Proposed Use (check one): | Aeronautical | Non-Aeronautical

Do you plan to construct new or additional improvements? (if Yes, answer next five questions) YES NO

1. Will the improvement change or alter the use under an existing lease? YES NO

2. What is the proposed use of the improvement?

3. What is the estimated value of the improvement?

4. What is the nature and type of improvement?

5. What are the dates construction is estimated to commence and be completed?
(generally, construction must be completed within two years)

Estimated Start Date:

Estimated Completion Date:

Describe the proposed business or activity intended:

Financing to erect a hangar

How does the proposed lease support a thriving business, residential, recreational, or cultural community?

Lease Assignment Only: What is the name of the individual or legal entity the lease is to be assigned?

Vickie L. Tyler PO Box 109 Kenai, AK 99611

Lease Renewal Only

Renewal of an Existing Lease (at least one year of term remaining): Requires new development.

Lease Term based on: Estimated cost of new improvements and Purchase Price (optional)

Renewal of an Expiring Lease (less than one year of term remaining): Does not require new development.

Lease Term based on: Purchase Price Professional Estimate of Remaining Useful Life

Fair Market Value appraisal and/or Estimated cost of new improvements (optional)

Requested Term for Renewal Based on Term Table, not to exceed 45 Years:

Submitting an application for a lease does not give the applicant a right to lease or use the land requested in the application. The application shall expire twelve (12) months after the date the application has been made if the City and the applicant have not, by that time, entered into a lease, unless the City Council for good cause grants an extension for a period not to exceed six (6) months. The City has no obligation to amend, renew or extend a lease and may decline to do so upon making specific findings as to why a lease renewal, extension, or amendment is not in the best interest of the City

Signature:	<i>[Signature]</i>	Date:	<i>8/21/2023</i>
Print Name:	<i>David K. Lunt</i>	Title:	<i>CFO</i>

For City Use Only:	Date Application Fee Received:	_____
<input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land	Date Application Determined Complete:	_____
<input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	30-Day Notice Publication Date:	_____
Account Number:	City Council Action/Resolution:	_____

CITY OF KENAI
CONSENT TO ASSIGNMENT

The Assignment of that certain Lease of Airport Lands entered into on August 19, 1985, and recorded in Book 269 at Pages 985-999c, on September 4, 1985, in the Kenai Recording District, from SCHILLING RENTALS, LLC (hereinafter called "Assignor"), whose address is P.O. Box 3426, Kenai, AK 99611, to VICKIE L. TYLER (hereinafter called "Assignee"), whose address is P.O. Box 109, Kenai, AK 99611, covering the following-described property:

**Lot 3, Block 1, GENERAL AVIATION APRON NO. 1, AMENDED,
according to the official plat thereof, filed under Plat No. 2004-20, in
the Kenai Recording District, Third Judicial District, State of Alaska,**

is hereby ACKNOWLEDGED AND CONSENTED TO, subject to the same terms and conditions as contained in the above-described original Lease of Airport Lands, and any and all amendments thereto.

This Consent is given by the City of Kenai without waiving any right or action, or releasing the Assignor from any liability or responsibility under the aforementioned Lease, and does not relieve the Assignee from the condition requiring the City's approval for any subsequent sublease or assignment.

Dated this ____ day of _____, 2023.

Terry Eubank, City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2023, Terry Eubank, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

Notary Public for Alaska
My Commission Expires: _____

Approved as to form:

Scott Bloom, City Attorney

After Recording, Return to:
City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT

SCHILLING RENTALS, LLC (hereinafter called "Lessee/Assignor"), whose address is P.O. Box 3426, Kenai, AK 99611, and who is Lessee under that Assignment and Assumption of Lease Agreement dated September 20, 2019, assigns all of its respective rights, title, and interests in the Lease to VICKIE L. TYLER, (hereinafter called "Lessee/Assignee"), whose address is P.O. Box 109, Kenai, AK 99611, subject to all the conditions and terms contained in the Lease.

The Lease covers property located in the City of Kenai described as:

Lot 3, Block 1, GENERAL AVIATION APRON NO. 1 AMENDED, according to the official plat thereof, filed under Plat No. 2004-20, in the Kenai Recording District, Third Judicial District, State of Alaska.

The Lease of Airport Lands was entered into on August 19, 1985, and is recorded in Book 269 at Pages 985-999c, on September 4, 1985, in the Kenai Recording District. The Assignment of Lease from the original lessee to James A. Munson is recorded in Book 462 at Pages 286-287. The Assignment of Lease to SOAR International Ministries, Inc. is recorded in Book 578 at Pages 269-272, in the Kenai Recording District. The Assignment and Assumption of Lease to Schilling Rentals, LLC is recorded in the Kenai Recording District at Serial No. 2019-010951-0.

Assignee hereby assumes and agrees to perform all duties and obligations required of Lessee by the Lease and to pay all outstanding liabilities and outstanding obligations that may be due and owing, or may have been due and owing, prior to the effective date of this Assignment and Assumption of Lease Agreement.

This Assignment and Assumption of Lease shall be governed by and construed in accordance with the laws of the State of Alaska.

ASSIGNOR:

SCHILLING RENTALS, LLC

By: _____
Michael K. Schilling
SCHILLING RENTALS, LLC

ASSIGNEE:

VICKIE L. TYLER

By: _____
Vickie L. Tyler

ACKNOWLEDGEMENTS

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023,
by, _____, (Name), _____(Title) of
SCHILLING RENTALS, LLC, an Alaska Limited Liability Company, on behalf of the
company.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023,
by, _____, (Name), _____(Title).

Notary Public for Alaska
My Commission Expires: _____



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3370-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING FISCAL YEAR 2023 FUNDS FROM THE SIGN RESEARCH FOUNDATION FOR THE SIGN RESEARCH FOUNDATION SCHOLARSHIP PROGRAM.

WHEREAS, the Planning and Zoning Department received a Sign Research Foundation Scholarship, which included a free entry to the International Sign Association (ISA) Sign Expo 2023, guided tours of the tradeshow, full-day Planning for Sign Code Success™ workshop, a two-night hotel stay, and a \$250.00 stipend toward travel costs upon completion of the scholarship program; and,

WHEREAS, the funds will be used to reimburse travel costs related to the Planning Director’s attendance at the Sign Research Foundation Scholarship Program during the ISA Sign Expo 2023; and,

WHEREAS, it is in the best interest of the City of Kenai to appropriate the scholarship stipend for the purpose intended.

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 the scholarship stipend to fulfill the purpose and intent of this ordinance.

Section 2. That estimated revenues and appropriations be increased in the FY2023 Budget as follows:

General Fund:

Increase Estimated Revenues –
Miscellaneous Revenue – Planning & Zoning \$ 250.00

Increase Appropriations –
Planning & Zoning – Transportation \$ 250.00

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 20TH DAY OF SEPTEMBER, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:  _____

Introduced: September 6, 2023
Enacted: September 20, 2023
Effective: September 20, 2023



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: August 29, 2023

SUBJECT: **Ordinance No. 3370-2023 – Sign Research Foundation Scholarship Stipend**

The Planning and Zoning Department received a Sign Research Foundation Scholarship, which included a free entry to the International Sign Association (ISA) Sign Expo 2023, guided tours of the tradeshow, full-day Planning for Sign Code Success™ workshop, a two-night hotel stay, and a \$250.00 stipend toward travel costs upon completion of the scholarship program. The program provided the opportunity for high-level collaboration between top tier academics and diverse practitioners with an interest in the regulation, conspicuity, design, placement, and effectiveness of sign systems and visual communication elements in an urban environment. The \$250 scholarship stipend can be spent on travel and lodging expenses for attendance of the program.

The purpose of this ordinance is to accept and appropriate a scholarship stipend of \$250 for travel reimbursement on completion of the scholarship program.

Thank you for your consideration.



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Scott Bloom, City Attorney
DATE: August 31, 2023
SUBJECT: **Marijuana Walk/Drive Up Regulations**

During “the Covid Era” the state temporarily allowed retail marijuana establishments to provide walk/ drive up locations for customers so they did not have to enter the establishments. The State has recently made the walk/ drive up regulations allowing this activity permanent, with a municipal option to prohibit or further regulate. Administration wants to make Council aware of this State action for Council discussion whether it is something the City wants to regulate. This information was also taken to the Planning and Zoning Commission, which requested a moratorium to allow more time to look into the issue.

From: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>
Sent: Thursday, August 10, 2023 12:19 PM
Cc: Sawyer, Jane Preston (CED); Craig, Carrie D (CED); CED AMCO Enforcement (CED sponsored)
Subject: Marijuana retail walk-up/drive through exterior window pick-up
Attachments: ExteriorWindowPickup.pdf

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

The Lt. Governor's office has filed the regulations of the Alcohol and Marijuana Control Office (AMCO) that allows for exterior walk-up and drive through window pick-up at marijuana retail establishments. The changes to regulations are found in 3 AAC 306.005; 306.300 - .310; 306.350; 306.380; and 306.995 (attached).

3 AAC 306.380(a) states that *"Unless prohibited by local law, a licensed retail marijuana store may serve a consumer through a walk-up or drive-through exterior window in compliance with the requirements of this section."*

This is your notice that local governments may pass an ordinance to prohibit or restrict this activity. If your Council or Assembly do pass such an ordinance, please forward it to us at AMCO.

- Existing licensed retailers who apply for an exterior pick-up window will need to fill out a new form with AMCO (MJ-31) and must have it approved by the local governing body.
- New retail applicants who apply for a license and want to include an exterior pick-up window will include it in their premises diagram as well as their security and operating plan on the updated MJ-02 and MJ-03 form respectively.

Please contact our office if you have any questions.

Gabriel Gonzales
Local Government Specialist
DCCED - Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501
(907) 334-2195
gabriel.gonzales@alaska.gov

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: July 14, 2023

RE: Filed Permanent Regulations: Alcohol and Marijuana Control Office

Department of Commerce, Community, and Economic Development, Alcohol and Marijuana Control Office regulations re: Exterior Window Pickup (3 AAC 306.005; 306.300-.310; 306.350; 306.380; 306.995)

Attorney General File: 2022200505
Regulation Filed: 7/14/2023
Effective Date: 8/13/2023
Print: 247, October 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

July 13, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 2022200505 – Department of Commerce,
Community, and Economic Development,
Alcohol and Marijuana Control Office – 3 AAC
306.005; 306.300-.310; 306.350; 306.380;
306.995: Non-APA Personnel Board - Exterior
Window Pickup.

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Alcohol and Marijuana Control Office against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulations implement permanent changes to authorize the use of exterior service windows for the purchase and pick of marijuana and marijuana products. The regulations also repeal expired emergency regulations authorizing the same activities.

The regulations were adopted by the Department on January 5, 2023, after the close of the public comment period. Supplemental public notice was issued on January 19, 2023, to account for changes made to the regulations after the close of the public notice period. The board certified the adoption of the amended regulations on June 13, 2023.

To: The Honorable Nancy Dahlstrom
Our file: 2022200505

July 13, 2023
Page 2 of 2

The October 25, 2022, public notice, January 19, 2023, supplemental public notice, and the June 13, 2023, certification order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections in accordance with AS 44.62.060. The corrections are shown on the attached copy of the regulations.

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto** Digitally signed by
Rebecca C. Polizzotto
Date: 2023.07.13
13:44:18 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP:kmd

CC w/enclosure: Joan Wilson, Executive Director AMCO
Department of Commerce, Community, and Economic
Development

Kevin Higgins, Sr. Assistant Attorney General
Department of Law

Kevin Dilg, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO REGULATIONS OF MARIJUANA CONTROL BOARD

The attached ^{five} ~~six~~ pages of regulations, dealing with exterior window pick-up, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its June 1, 2023 meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: June 13, 2023

Joan M. Wilson
Joan M. Wilson, Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

July 14, 2023 at 1:02 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Nancy Dahlstrom
for Lieutenant Governor Nancy Dahlstrom

Effective: August 13, 2023

Register: 247, October 2023.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 247, October 2023

COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 306.005(1) is amended to read:

(1) a retail marijuana store license, granting authority for activities allowed under AS 17.38.070(a), and subject to the provisions of 3 AAC 306.300 - 3 AAC 306.380 [3 AAC 306.300 - 3 AAC 306.370] and 3 AAC 306.700 - 3 AAC 306.770;

(Eff. 2/21/2016, Register 217; am 10/17/2018, Register 228; am 9/1/2021, Register 239; am

8 / 13 / 2023, Register 247)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.305(a)(1) is amended to read:

(1) sell marijuana purchased from a licensed marijuana cultivation facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.470, and 3 AAC 306.475 in an amount not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises or as permitted under 3 AAC 306.380 [3 AAC 306.995] for consumption off the licensed premises;

3 AAC 306.305(a)(2) is amended to read:

(2) sell a marijuana product purchased from a licensed marijuana product manufacturing facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.565, and 3 AAC 306.570, in a quantity not exceeding the limit set out in 3 AAC 306.355, to an

Register 247, October 2023 COMMERCE, COMMUNITY, AND EC. DEV.

individual on the licensed premises or as permitted under 3 AAC 306.380 [3 AAC 306.995] for consumption off the licensed premises;

(Eff. 2/21/2016, Register 217; em am 4/17/2020 - 8/14/2020, Register 234; am 11/24/2020, Register 236; am 8 / 13 / 2023, Register 247)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.310(a)(5) is repealed:

(5) repealed 8 / 13 / 2023 ;

(Eff. 2/21/2016, Register 217; am 4/11/2019, Register 230; em am 4/17/2020 - 8/14/2020, Register 234; am 11/24/2020, Register 236; am 8 / 13 / 2023, Register 247)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.315(a)(2)(A) is amended to read:

(A) each applicable provision of 3 AAC 306.300 - 3 AAC 306.380 [3 AAC 306.300 - 3 AAC 306.370] and 3 AAC 306.700 - 3 AAC 306.770;

(Eff. 2/21/2016, Register 217; am 7/27/2017, Register 223; am 1/22/2023, Register 245; am 8 / 13 / 2023, Register 247)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
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Register 247, October 2023

COMMERCE, COMMUNITY, AND EC. DEV.

AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.350(a) is amended to read:

3 AAC 306.350. Identification requirement to prevent sale to person under 21. (a) A retail marijuana store shall refuse to sell marijuana or a marijuana product or complete a walk-up or drive-through exterior window order of marijuana or marijuana product to a person who does not produce a form of valid photographic identification showing that person is 21 years of age or older.

(Eff. 2/21/2016, Register 217; am 9/24/2021, Register 239; am 8 / 13 / 2023, Register 247)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.380. Walk-up or drive-through exterior window pick-up for retail marijuana stores. (a) Unless prohibited by local law, a licensed retail marijuana store may serve a consumer through a walk-up or drive-through exterior window in compliance with the requirements of this section.

(b) Before accepting orders for sales of marijuana or marijuana products through a walk-up or drive-through exterior window, a licensed retail marijuana store shall submit an operating

plan or modification of an operating plan of the licensed premises to the board for approval. The operating plan or modified operating plan must depict the walk-up or drive-through exterior window area and the video surveillance of the walk-up or drive-through exterior window area.

(c) The area immediately outside a walk-up or drive-through exterior window must be under the licensee's sole possession and control and may not include any public property including public streets, public sidewalks, or public parking lots.

(d) The licensed retail marijuana store may accept Internet or telephone orders or may accept orders from the consumer at the walk-up or drive-through exterior window. Internet or telephone orders must be paid for and picked up in person by the consumer placing the order. All orders received through the walk-up or drive-through exterior window must be placed by the consumer from a menu. The retail marijuana store may not display marijuana or marijuana products at the walk-up or drive-through exterior window.

(e) Before completing a sale at a walk-up or drive-through exterior window, the licensee or the employee shall physically view and inspect the consumer's photographic identification. Each person in a vehicle at the drive-through exterior window must be 21 years of age or older, unless the person is the consumer's own child, grandchild, or ward who is not older than seven years of age seated or otherwise required by local or state law to be seated in a car seat or booster seat.

(f) All sales must occur within the licensed premises. This requirement is satisfied if payment is made through the following means:

- (1) by an electronic Internet-based payment platform;
- (2) by a mobile payment point-of-sale system;

(3) by payment transferred through the walk-up or drive-through exterior window into the interior of the retail marijuana store.

(g) A walk-up or drive-through exterior window area must be located so as to minimize compromises to security. For every transfer of marijuana or marijuana product through a walk-up or drive-through exterior window, the licensed retail marijuana store’s video surveillance must enable the recording of the licensee or the employee verifying the consumer’s photographic identification and the completion of the transaction.

(h) The licensee shall ensure that sales and all interactions at the walk-up or drive-through exterior window are video recorded and the records are stored in compliance with 3 AAC 306.720.

(i) Sales of marijuana or marijuana products via a walk-up or drive-through exterior window are subject to requirements and restrictions imposed by the relevant local government.

(Eff. 8 / 13 / 2023, Register 247)

- Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200
- AS 17.38.070 AS 17.38.190 AS 17.38.900
- AS 17.38.121

3 AAC 306.995 is repealed:

3 AAC 306.995. Internet and phone orders. Repealed. (Eff. 4/17/2020, Register 234; am 8/23/2020, Register 235; am 11/24/2020, Register 236; repealed 8 / 13 / 2023, Register 247)

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 23, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on August 23, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
John Coston

Joe Halstead, Vice Chair
Jim Glendening
Gwen Woodard

A quorum was present.

Absent:

Diane Fikes

Also in attendance were:

Linda Mitchell, Planning Director
James Baisden, City Council Liaison
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

Chair Twait noted the following additions to the Packet:

ACTION

Add to Item H.1

ITEM

Discussion/Action - AMCO Adopted Marijuana Regulation Changes

- Recommendation Memo

MOTION:

Commissioner Woodard **MOVED** to approve the agenda and consent agenda with the requested additions. Commissioner Coston **SECONDED** the motion.

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

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

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

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a

Commission 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. APPROVAL OF MINUTES

1. *Regular Meeting of July 26, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-16** – Recommending Approval for Preliminary Plat – Strawberry Hill Estates 2023 Addition for a Subdivision of a Parcel Located at 801 Devray Street (KPB Parcel No. 04951027) into 13 Lots and Deny the Requested Exceptions to the Subdivision Design Standards in the Rural Residential (RR) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-16. Commissioner Greenberg **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet, and it was noted that the applicant is requesting two exceptions to the standards. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following conditions:

1. Recommend Kenai City Council to deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the rights-of-way dedication of Devray Street.
2. Recommend Kenai City Council to approve the exceptions from connecting to City water and sewer systems.
3. Revised Note 4 on the Preliminary Plat to “DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS”.

Chair Twait opened the floor for public comment.

Applicant David Bunts explained the requested exceptions and responded to questions from the Commission.

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

MOTION TO AMEND:

Vice Chair Halstead **MOVED** to amend the Resolution by changing the number to PZ2023-15. Commissioner Woodard **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

MOTION TO AMEND:

Vice Chair Halstead **MOVED** to amend the Resolution PZ2023-15 by adding the following condition:

4. Recommend Kenai City Council to approve the exception from the road improvement construction of Devray Street and requiring the subdivider include a covenant on the recorded plat that if an improvement district is formed, the real property involved will be a part of the improvement district without further action by the then owner of the property in question.

Commissioner Greenberg **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Coston, Greenberg, Halstead, Twait, Glendening, Woodard
NAY: None
ABSENT: Fikes

MOTION PASSED WITHOUT OBJECTION.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Glendening, Halstead, Woodard, Greenberg, Coston, Twait
NAY: None
ABSENT: Fikes

MOTION PASSED WITHOUT OBJECTION.

F. PUBLIC HEARINGS – None.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

- 1. **Discussion/Action** – Alcohol and Marijuana Control Office (AMCO) Adopted Marijuana Regulation Changes

Planning Director Mitchell presented her staff report with information provided in the packet.

Ryan Tunseth, owner of East Rip and President of the Alaska Marijuana Industry Association, provided information about the State regulations and responded to questions from the Commission.

MOTION:

Commissioner Glendening **MOVED** to recommend that the City Council place a moratorium on allowing marijuana establishments to continue offering exterior walk-up and drive through window pick-up services, and that they refer the issue back to the Planning & Zoning Commission for further consideration. Vice Chair Halstead **SECONDED** the motion.

VOTE:

YEA: Greenberg, Glendening, Halstead, Twait, Woodard, Coston
NAY: None
ABSENT: Fikes

MOTION PASSED WITHOUT OBJECTION.

I. REPORTS

- 1. City Council – Vice Mayor Baisden reported on the actions of the August 16, 2023 City Council meeting.
- 2. Kenai Peninsula Borough Planning – No report.
- 3. City Administration – Planning Director Mitchell reported on the following:
 - Max Best has been hired as a temporary planner to assist with the waterfront revitalization project rezoning; Mitchell explained next steps on the project including the public process and development of hybrid zoning design standards.
 - New administrative assistant started today; recruitment for second assistant is ongoing.
 - A conditional use permit for the Aspen Creek facility development that was previously approved by the Commission has been delayed due to a condition of the permit; the applicants will be returning to commission to request a reduced right-of-way easement.
 - She has been busy responding to the increase in code violation complaints.

J. **ADDITIONAL PUBLIC COMMENT** – None.

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

- 1. Next Meeting: September 13, 2023

L. **COMMISSION COMMENTS AND QUESTIONS**

Commissioner Glendening inquired why a local business was denied a storefront improvement grant.

Vice Chair Halstead noted the good discussions, and thanked the Commission for asking the right questions.

M. **PENDING ITEMS** – None.

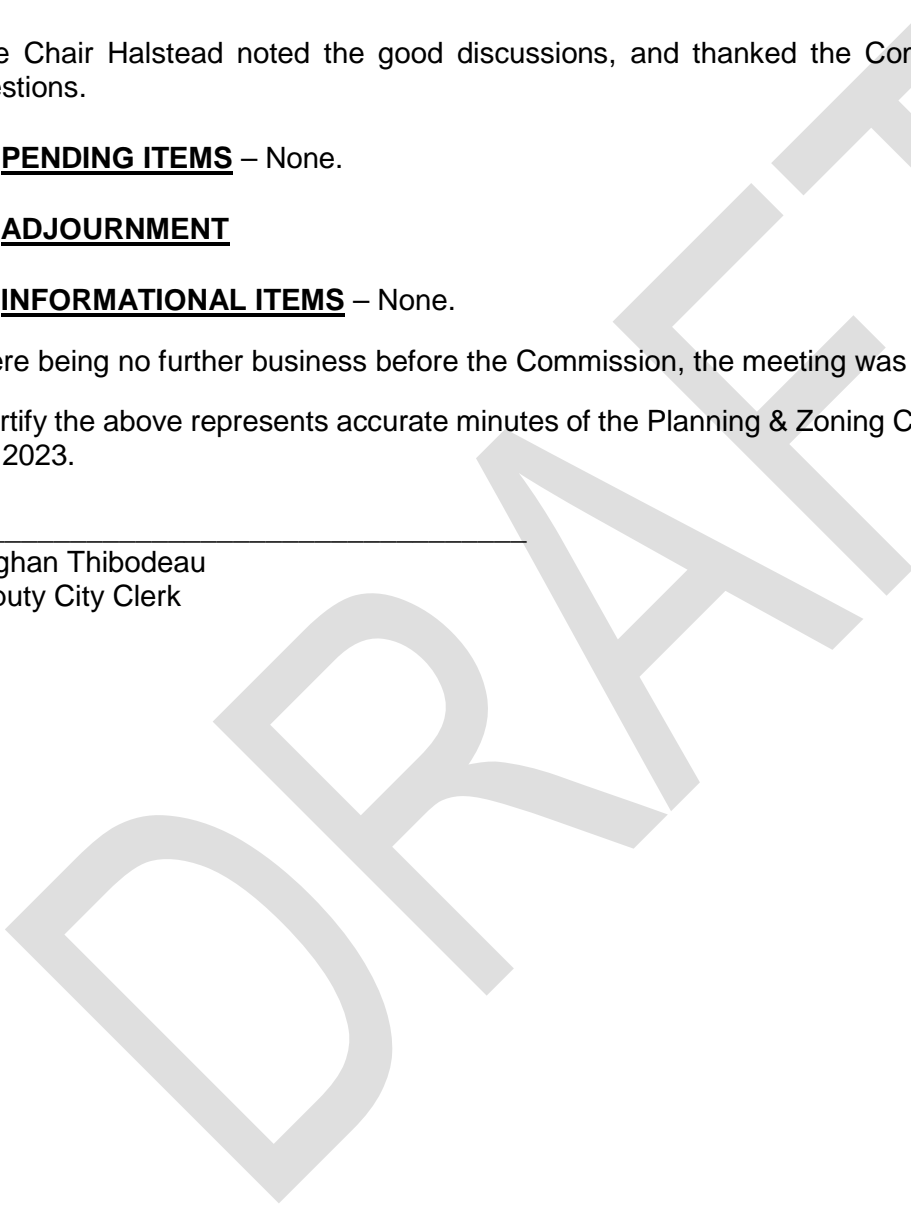
N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS** – None.

There being no further business before the Commission, the meeting was adjourned at 8:21 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of August 23, 2023.

Meghan Thibodeau
Deputy City Clerk





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Terry Eubank, City Manager
FROM: Linda Mitchell, Planning Director
DATE: August 31, 2023
SUBJECT: **Planning and Zoning – July 2023 Monthly Report**

General Information

- Staff attended the “Senior Officials Workshop for All-Hazards Preparedness” Course conducted by Texas A&M Engineering Extension Service (TEEX).
- The City offered two (2) part-time Administrative Assistant II positions but only one (1) candidate accepted with the start date of August 22, 2023. The recruitment of the 2nd part-time position will be reposted.

Storefront & Streetscape Improvement Program

The city received four (4) applications and conditionally approved a grant award of 50% reimbursement, up to the maximum \$10,000 to the following recipients and scope of work.

1. **Business Name:** Arctic Barnabas Ministries
Property Location: 135 N. Willow Street
Scope of Work: Flower beds to match the new exterior stone façade, seasonal flower baskets with hangers, seasonal picnic table/bench, sidewalk improvement adjacent to the building entrance, exterior stone façade, painting of trims and bollards (visible from the street), and repaving of the lot. For the new paved area to be included in the grant award, landscaping must be provided along the front entrance façade or additional landscaping along the street frontage to mitigate the loss of landscaping area.
2. **Business Name:** C.R. Baldwin
Property Location: 125 N. Willow Street
Scope of Work: Repaving the lot, planting at least two (2) spruce trees, replace the landscaping areas with new vegetation and borders, and add a border to the existing planter adjacent to the street frontage to match.

- 3. **Business Name:** AUL, LLC
Property Location: 6384 Kenai Spur Highway
Scope of Work: Painting the front building façade and window trims, and to provide new landscaping to include, but not limited to, soil, shrubs, rocks, boulders in the existing landscape area.

- 4. **Business Name:** UEI Rentals, LLC
Property Location: 8887 Kenai Spur Highway
Scope of Work: Painting the buildings, add a wood timber accent to building 8887, trim out windows and doors to match, window replacements of wood windows, and new landscaping in accordance with the approved landscape/site plan dated January 9, 2023.

Application Summary

Planning and Zoning received 15 applications in July, carried over 17 applications, and completed 15 applications.

Staff conducted five (5) pre-application meetings with collaboration with the Fire Marshal, Building Official, and/or Public Works Director.

Applications	No. Received	Carried Over	Completed	In Progress
<i>Planning</i>				
Building Permit	5	3	5	3
Sign Permit	3	0	2	1
Conditional Use Permit	0	1	0	1
Amendment	0	0	0	0
Time Extension	0	0	0	0
Transfer	1	0	1	0
Encroachment Permit	1	0	1	0
Landscaping/Site Plan	0	4	2	2
Home Occupation Permit	0	0	0	0
Plat	1	3	2	2
Easement/Right-of-Way	0	1	0	1
Variations/Exceptions	0	0	0	0
Variance	0	0	0	0
Zoning Map/Text Amendment	0	0	0	0
City-Initiated	0	1	1	0
<i>Lands & Leases</i>				
Purchase	0	1	0	1



New Lease	0	0	0	0
Renewal/Extension	0	0	0	0
Amendment	1	1	0	2
Assignment	1	0	0	1
Development Incentive	0	1	0	1
Special Use Permit	1	1	1	1
Total	14	17	15	16

Code Enforcement and Compliance

In July, Planning and Zoning received one (1) new complaints. Several complaints were received for active code cases at 9168 Kenai Spur Highway and 345 Dolchok Lane. There is a cumulative total of 18 open cases.

Violations	No. of Open Cases	Carried Over	New	Closed
<i>By Types</i>				
Abandoned Structure(s)	0	0	0	0
Abandoned Vehicle(s)	1	1	0	0
Building (e.g., as-built, damaged or decayed)	2	2	0	0
Conditional Use Permit	0	0	0	0
Junk and/or Refuse	5	5	0	0
Junk Vehicle(s)	4	4	1	1
Livestock	0	0	0	0
Signs	1	1	0	0
Recreational Vehicle(s)	1	1	0	0
Zoning (e.g., structures, setbacks, use)	4	4	0	0
Total	18	18	1	1

List of Open Cases

Property Address	Date of Complaint	Type of Violation
110 Aleene Way	5/4/2022	Junk Vehicle; Junk and/or Refuse
5264 Kenai Spur Hwy	5/12/2022	Junk and/or Refuse
508 Hemlock Avenue	5/13/2022	Junk and/or Refuse
9168 Kenai Spur Hwy	5/16/2022	Junk Vehicle; Junk and/or Refuse;
311 Linwood Lane	6/17/2022	Junk and/or Refuse
4715 Fourth Avenue	8/25/2022	Junk Vehicle; Junk and/or Refuse
1009 Second Avenue	8/12/2022	Zoning
305 Sterling Court	10/20/2022	Building (On-Hold)



700 Cypress Drive	10/24/2022	Junk Vehicle(s)
345 Dolchok Lane	10/28/2022	Building; Zoning
312 Aspen Street	10/26/2022	Abandoned Vehicle(s)
11888 Kenai Spur Hwy	11/17/2022	Zoning
12656 Kenai Spur Hwy	12/1/2022	Sign
4315 Lupine Drive	2/8/2023	Junk and/or Refuse
4555 Johnisee Court	4/26/2023	Recreational Vehicle
307 James Street	5/22/2023	Junk in the Right-of-Way
204 Lawton Drive	6/7/2023	Zoning (Home Occupation)
415 Roger Road	6/7/2023	Zoning (Home Occupation)
8525 Kenai Spur Hwy	7/5/2023	Zoning (Home Occupation & Junk Vehicle)

Before and After Highlight



Accumulations of junk vehicles and junk at 1715 Fourth Avenue

Planning and Zoning Commission

Two (2) public meetings were held in the month of July.

- Planning and Zoning Commission took actions as follows:
 - **Resolution PZ2023-12** – Recommended Approval for Preliminary Plat – Oberts Silver Salmon Subdivision to Subdivide a Parcel into Two (2) Lots Located at 4805 Silver Salmon Drive (Parcel ID: 04937013) in the Rural Residential (RR) Zoning District.
 - **Resolution PZ2023-13** – Recommended Approval for Preliminary Plat – City Park 2023 Replat for a Parcel Merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision and the Right-of-Way Vacations of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View



Subdivision (Plat No. KN 79-156) in the Suburban Residential (RS) and Urban Residential (RU) Zoning Districts.

- **Resolution PZ2023-14** – Recommended Approval for Preliminary Plat – Shoreline Heights 2023 Addition to Subdivide Tracts A, B, and C of Shoreline Heights 2014 Addition Phase 1 Subdivision into 17 Lots Located at 1540, 1541, and 1610 Pey Drive (Parcel IDs: 03914131, - 32, and -33) in the Rural Residential (RR) Zoning District.
- **Resolution PZ2023-16** – Granting an Encroachment Permit for a Single-Family Residence to Encroach into the Required (North) Side Yard Setback on the Property Located at 1436 Pey Drive (Parcel ID: 03914146) in the Rural Residential (RR) Zoning District.
- Approved the Transfer of Conditional Use Permit PZ2021-15 for Cabin Rentals on a Property Described as Lot 3, James H. Cowan Estates, located at 1050 Angler Drive in the Rural Residential (RR) Zoning District.





KENAI

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Terry Eubank, City Manager

THROUGH: Kathy Romain, Senior Center Director

FROM: Astrea Piersee, Administrative Assistant III

DATE: August 2, 2023

SUBJECT: **July 2023 Monthly Report**

In July, a diverse and engaging array of activities was attended, making it a vibrant and memorable month. The calendar was filled with both indoor and outdoor events, catering to a wide range of interests. The month kicked off with the 4th of July festivities, including preparations for the pie booth and the T.O.P.S (Take Off Pounds Sensibly) parade float. The float featured members of the association's royalty. Seniors also enjoyed a thrilling Seward trip, which included visits to the Sea-life Center, a Kenai Fjords trip, and even ziplining!

Furthermore, an exciting new transportation route was introduced on Thursdays, offering convenient trips to the Nikiski pool and trails for pedestrians, along with an afternoon route for weekly shopping in Soldotna. Additionally, the Center expanded transportation services to include a bus service on Fridays for seniors wishing to attend the Center.

This month's no-host dinner was held at Two Brothers Café in Cooper Landing. Overall, the activities attended in July offered a perfect blend of entertainment, learning, and community engagement, making it a month to cherish for all who participated.

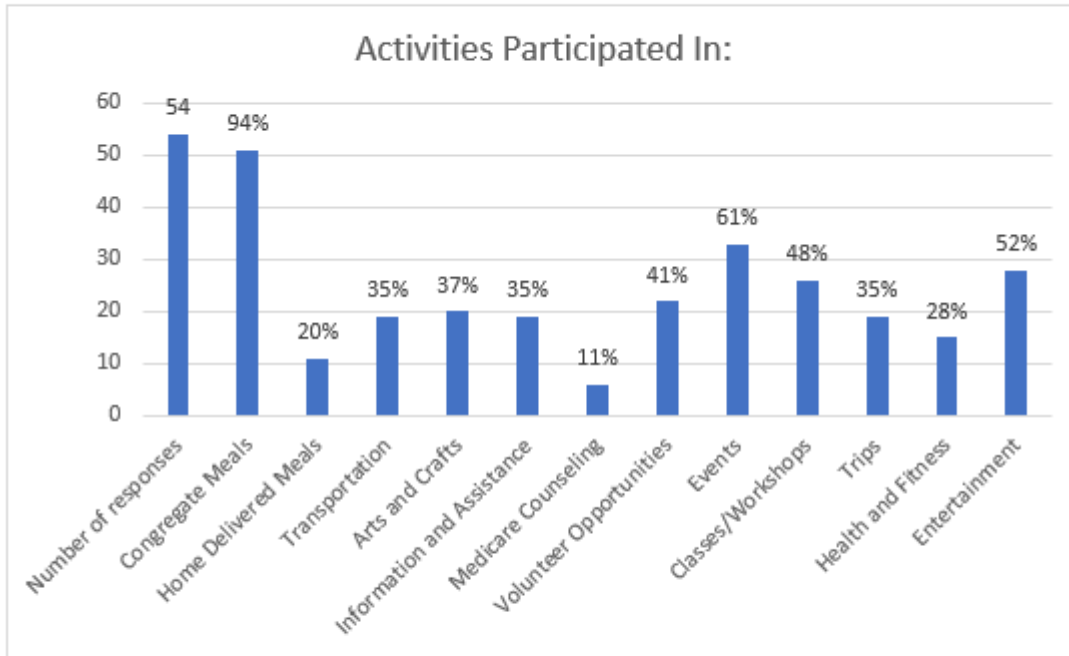
*July marked the release of the client satisfaction survey results for FY 2023. Reporting on the end-of-year client satisfaction survey results is a crucial process that provides valuable insights into the organization's performance and customer perception. The report aims to report feedback received from clients, evaluate the level of satisfaction with services, and identify areas for improvement. Reporting on the end-of-year client satisfaction survey results is a valuable exercise that helps organizations enhance their offerings, build better relationships with clients, and drive continuous improvement. See the findings attached.

July Monthly Data

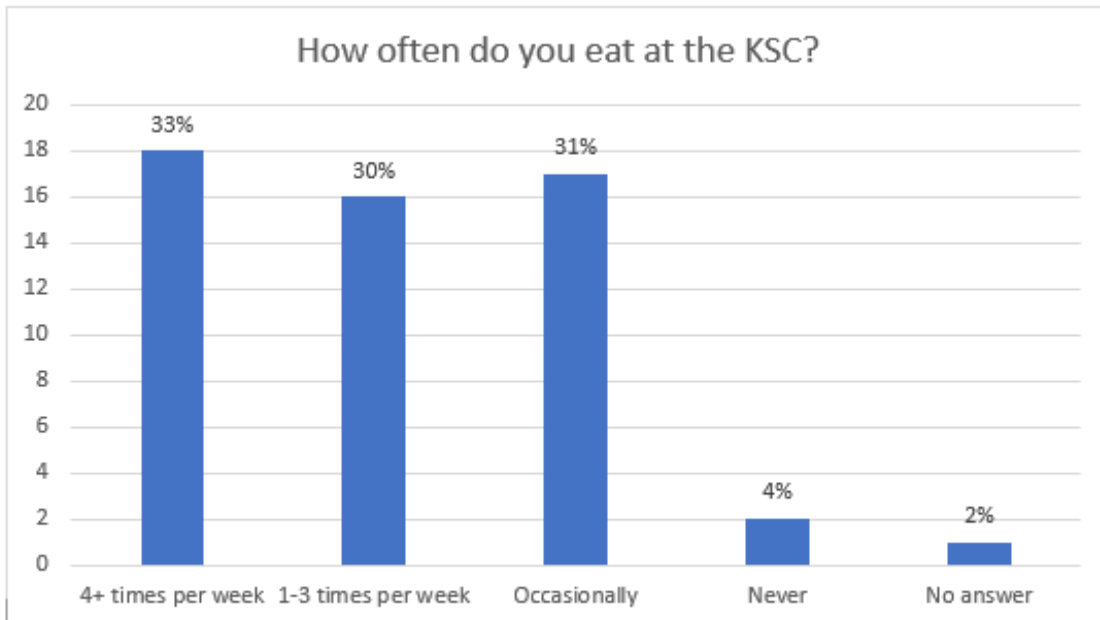
	2023	2022
Home Delivered Meals	1667	1535
Individuals	88	96
Dining Room (Congregate) Meals	1197	676
Individuals	147	115
Transportation (1-way rides)	218	210
Individuals	30	19
Grocery Shopping Assistance	6/60	10/30
Writers Group	33	27
Caregiver Support Group	15	2
Growing Stronger Exercise	344	223
Tai Chi Class	25	48
TOPS Weight Loss Class	29	41
Bluegrass & Music Sessions	76	30
Card Games	123	131
Wii Bowling	28	39
Arts & Crafts	54	46
Total Event Sign-ins *	1973	1696
Individuals *	206	184
Vintage Pointe Manor Vacancies	0	0

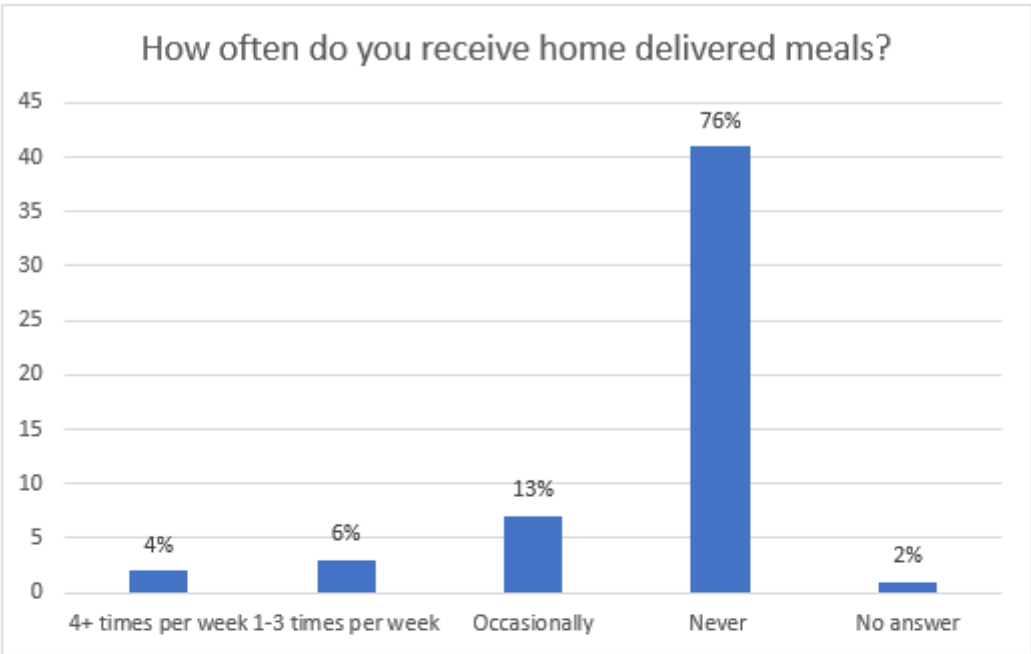
* (not including home meals clients)

Kenai Senior Center 2023 Client Satisfaction Survey Results

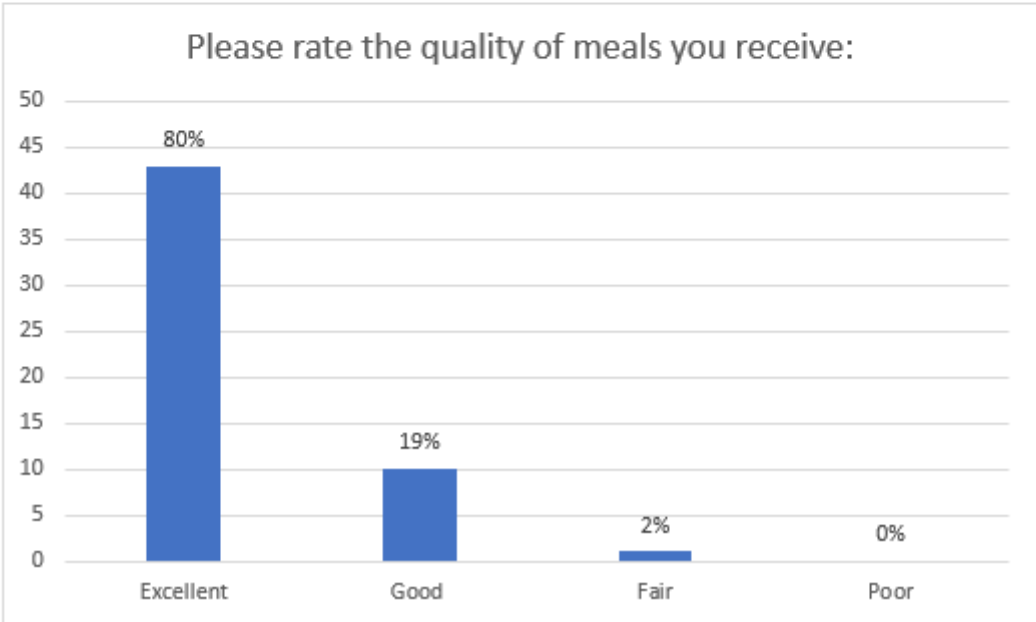


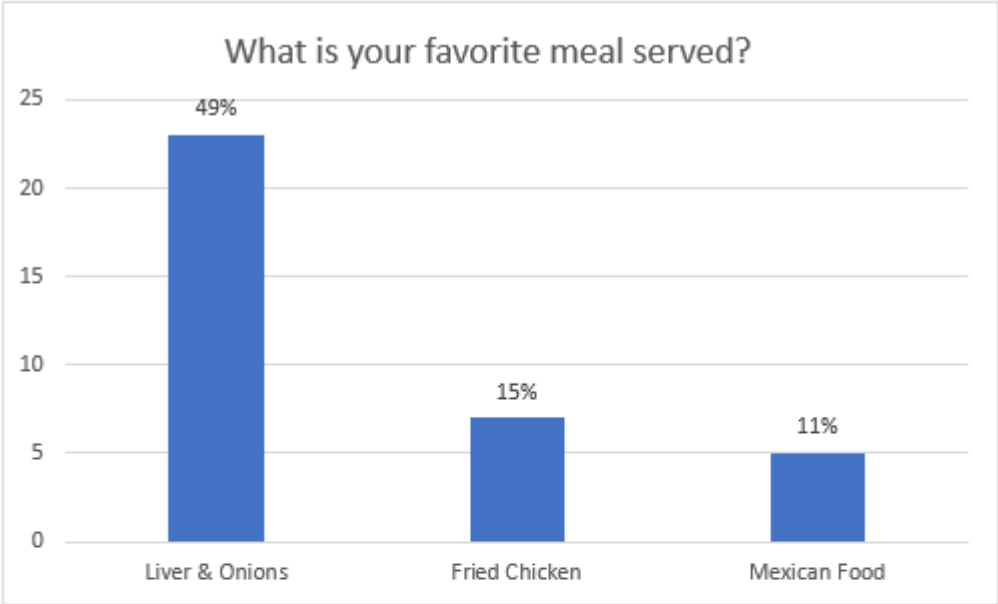
99% of those completing and returning the Client Satisfaction Survey were of the target population of 60 years of age and older. This year, in addition to mailing, providing in-person surveys, and having them attached to the monthly newsletter, a survey link to Survey Monkey was also provided. 20 individuals utilized this modality to submit their survey electronically.



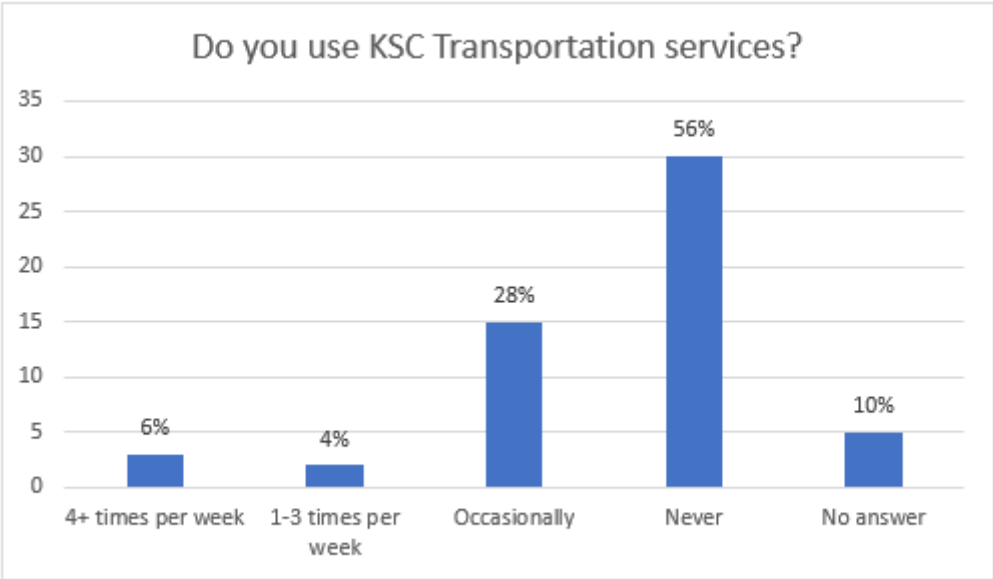


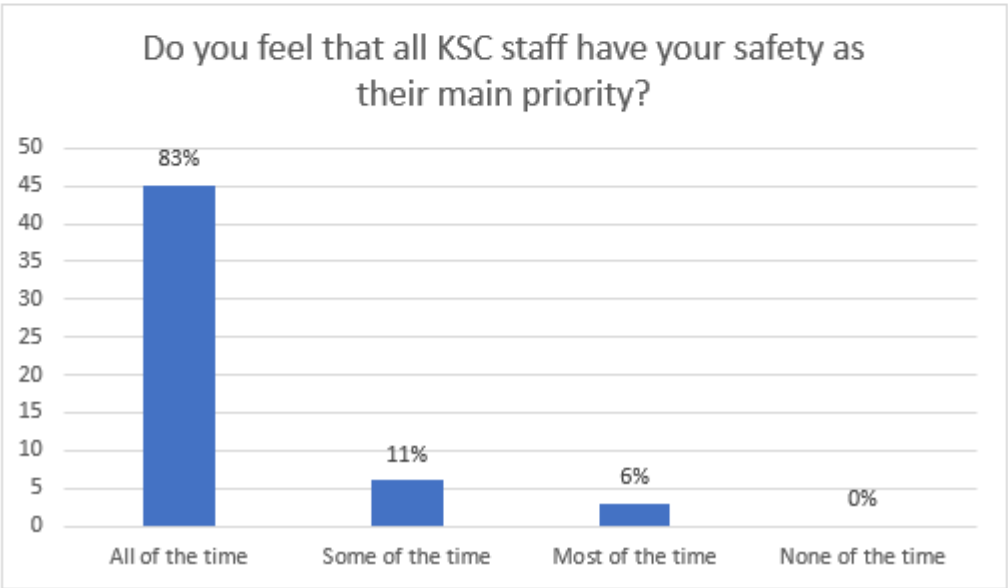
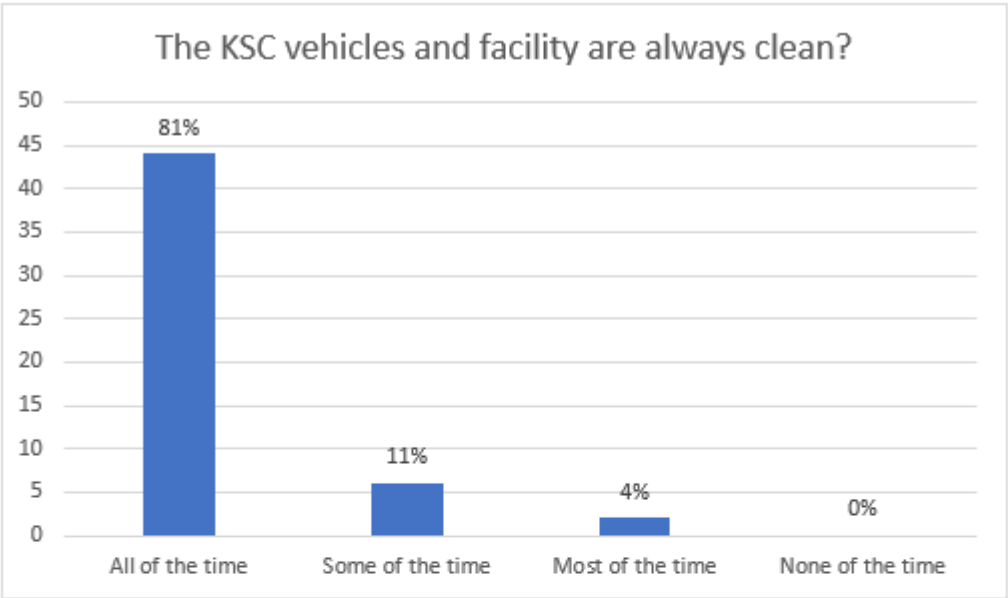
This year, more surveys were returned in-person and electronically than by mail. The data reported in this question reflects that more participants eating at the Center returned surveys than those that receive home delivered meals.

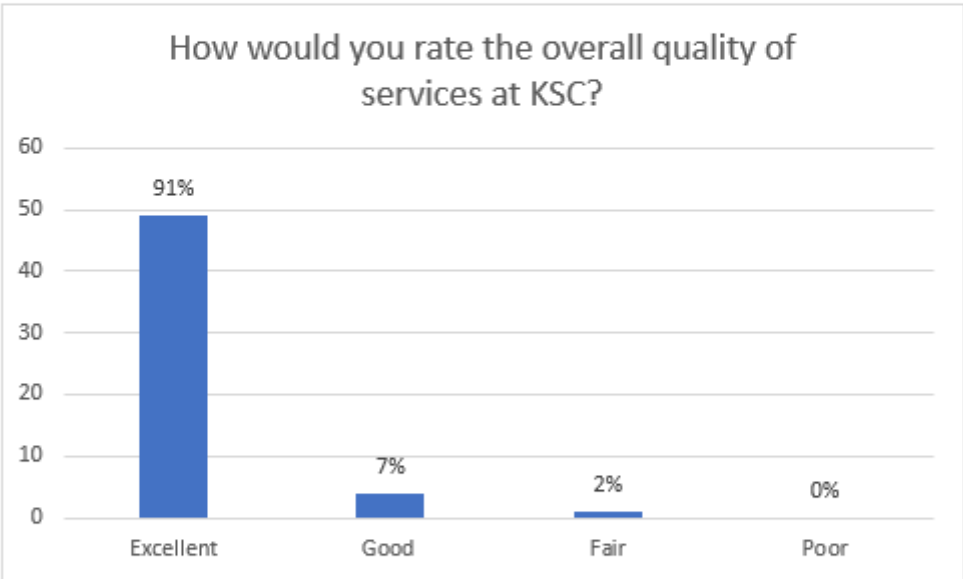
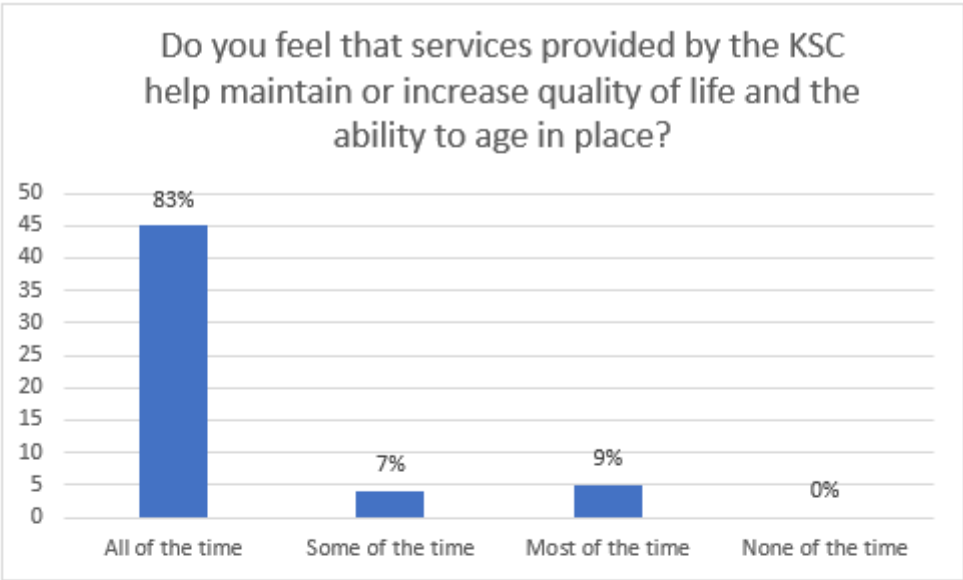




- Other honorable mentions:
- Breakfast/Brunch foods
 - Swedish meatballs
 - Meatloaf,
 - Soups/ Clam Chowder
 - Turkey/Ham with the works
 - Chinese Chicken Salad
 - Cheeseburgers
 - Baked Potato







Findings: It was very apparent that those completing the Client Satisfaction Surveys this year were those that attended the Center for Congregate meals. There was a lack of returns for in-home clients this year versus the previous year. To be able to capture this data next year we are looking at ways that we can utilize technology by having drivers assist home bound seniors with completing surveys using tablets with Survey Monkey. Additionally, we are looking at creating an exit survey over the next year to give a more global report of feedback from seniors that utilize the program.