



Kenai City Council - Regular Meeting

June 15, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Agenda

A. CALL TO ORDER

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

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS (*Public comment limited to ten (10) minutes per speaker*)

1. Representative Ben Carpenter, Update on Working with the State Attorney General on the Rights of Grand Juries.

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

D. PUBLIC HEARINGS

1. **Ordinance No. 3294-2022** - Accepting and Appropriating Funding From the State of Alaska Department of Natural Resources, Division of Forestry, to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)
2. **Resolution No. 2022-46** – Authorizing Award of a Sole Source Contract to Perform a Communications Tower Study. (Administration)
3. **Resolution No. 2022-47** – Authorizing the Use of the Equipment Replacement Fund and Authorizing Award of a Contract for the Purchase of a Replacement Ambulance for the Kenai Fire Department. (Administration)
4. **Resolution No. 2022-48** – Amending the Employee Classification Plan by Changing the Title of the Accountant Class of Employees to a Controller and Increasing the Range. (Administration)
5. **Resolution No. 2022-49** – Authorizing Binding of Airport Owners and Operators Liability Insurance Coverage for July 1, 2022 through June 30, 2023. (Administration)
6. **Resolution No. 2022-50** – Authorizing a Budget Transfer in the General Fund, Public Works Department – Streets Division for the Purchase of Sanding Equipment. (Administration)

- 7.** **Resolution No. 2022-51** – Adopting the City of Kenai Land Management Plan (Administration)

E. MINUTES

- 1.** *Regular Meeting of May 18, 2022. (City Clerk)
2. *Regular Meeting of June 1, 2022. (City Clerk)

F. UNFINISHED BUSINESS

- 1.** **Ordinance No. 3293-2022** – Amending the Appendices to the Kenai Municipal Code to Delete Cemetery Regulations, Amending Title 24-Municipal Cemetery, to Include Certain Portions of the Appended Cemetery Regulations and Make Other Housekeeping Changes and Adopting a Kenai Municipal Cemetery Regulations Policy. (City Clerk) *[Clerk's Note: At the Meeting of June 1, 2022, this Ordinance was Postponed to this Meeting; a Motion to Enact is on the Floor.]*
- 2.** **Resolution No. 2022-37** - Removing the Moratorium on the Purchase of Standard Cemetery Plots for the Sole Purpose of Reserving a Cemetery Plot Not Being Used for Immediate Internment. (City Clerk) *[Clerk's Note: At the Meeting of June 1, 2022, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.]*

G. NEW BUSINESS

- 1.** *Action/Approval - Bills to be Ratified. (Administration)
- 2.** *Action/Approval - FY2022 Purchase Orders Over \$15,000. (Administration)
- 3.** *Action/Approval - FY2023 Purchase Orders Over \$15,000. (Administration)
- 4.** *Action/Approval - Los Compadres Liquor License Renewal. (City Clerk)
- 5.** *Action/Approval – Special Use Permit to Empire Airlines, Inc. for Aircraft Loading and Parking. (Administration)
- 6.** *Action/Approval – Special Use Permit to Everts Air Fuel, Inc. for Aircraft Loading and Parking. (Administration)
- 7.** *Action/Approval – Special Use Permit to Crowley Fuels LLC for Aviation Fueling and Apron Fueling Area. (Administration)
- 8.** *Action/Approval – Special Use Permit to Alaska Geographic for a Vending Kiosk in the Airport Terminal. (Administration)
- 9.** *Action/Approval – Special Use Permit to United Parcel Service Co., for Aircraft Loading and Parking. (Administration)
- 10.** *Action/Approval – Special Use Permit to Kenai Aviation for Aircraft Parking. (Administration)
- 11.** *Action/Approval – Special Use Permit to Alaska Air Fuel, Inc. for Aircraft Loading and Parking. (Administration)
- 12.** *Action/Approval – Fifth Amendment to Agreement for Restaurant Concessions with Situla LLC (DBA Brother's Café) (Administration)
- 13.** *Ordinance No. 3295-2022 – Amending the Official Zoning Map by Rezoning Certain Parcels Southeast of Beaver Loop Road along Basin View Way, Kim N Ang Court, Cub Court, Ames Road, and Dolchok Lane from Rural Residential to Rural Residential-1. (Administration)
- 14.** Action/Approval – Recommending the City of Kenai Representative for Appointment to the Kenai Peninsula Borough Planning Commission. (City Clerk)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
- [2.](#) Airport Commission
- [3.](#) Harbor Commission
4. Parks and Recreation Commission
- [5.](#) Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR**J. ADMINISTRATION REPORTS**

- [1.](#) City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENT

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

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

- [1.](#) Purchase Orders Between \$2,500 and \$15,000

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

Join Zoom Meeting

<https://us02web.zoom.us/j/84183465688>

Meeting ID: 841 8346 5688 **Passcode:** 371491

OR

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

Meeting ID: 841 8346 5688 **Passcode:** 371491



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3294-2022

AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDING FROM THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY, TO SUPPORT SPRUCE BEETLE MITIGATION AND HAZARD FUEL REDUCTION.

WHEREAS, The City participated in a Borough-wide Community Wildfire Protection Plan, adopted by Resolution 2022-34 on May 18th, 2022; and,

WHEREAS, one component of this plan includes the establishment of a slash disposal site; and,

WHEREAS, the City was notified of approval for reimbursement of up to \$150,000 for 3 years from the Division of Forestry to complete this project; and,

WHEREAS, it is in the best interest of the City to accept this funding to support a slash disposal site that will satisfy one of the City’s goals included in the Community Wildfire Protection Plan.

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:

Parks Improvement Capital Project Fund:	
Increase Estimated Revenues –	
Grant – State of Alaska	<u>\$150,000</u>
Increase Appropriations –	
Construction	<u>\$150,000</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 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____

Introduced: June 1, 2022
Enacted: June 15, 2022
Effective: June 15, 2022



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Tony Prior, Fire Chief

DATE: May 25, 2022

SUBJECT: **Ordinance 3294-2022 Department of Natural Resources, Division of Forestry Funding to Support Spruce Beetle Mitigation and Hazard Fuel Reduction.**

One of the major goals of our Community Wildfire Protection Plan was to establish a slash disposal site for residents of our community as well as other bordering communities. This will provide a location for individual homeowners to bring their hazardous fuels and beetle kill trees to. We have identified a tract of land adjacent to the soccer fields that will allow us to complete this particular project, that is City owned, and that is large enough for this particular project. This project is one that can be implemented immediately, and will enable all resident to begin the process of making our local area firewise.

Our local Division of Forestry met with us to inform us of potential grant funding that could reimburse us for expenses to complete this project. We applied for funding through the State of Alaska Division of Forestry, to complete this project and were notified on 5/18, that we were approved for \$50,000.00 per year for 3 years, totaling \$150,000.00.

The City is planning to open the slash disposal site on Thursday, June 2, with a weekly operating schedule of Thursday to Sunday from 10 a.m. to 6 p.m. We hope to operate the facility through the month of September. The City will continuously consolidate the slash throughout the year but due to the uncertainty surrounding the difficulty, cost, and time it will take to burn the slash pile at the end of the year, if the slash pile reaches 1.5 acres prior to the end of September, we will close the facility for the year. The facility will not be made available for commercial operators.

We are very excited to be one of the first communities here on the Peninsula to be moving forward on implementing mitigation efforts established in the KPB Community Wildfire Protection Plan. We are asking for your support of this Ordinance that will benefit the residents of Kenai, as well as other residents in on the peninsula.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2022-46**

A RESOLUTION AUTHORIZING AWARD OF A SOLE SOURCE CONTRACT TO PERFORM A COMMUNICATIONS TOWER STUDY.

WHEREAS, the City of Kenai owns a communication tower, located at the Public Safety Building, that was constructed between 1972 and 1974; and,

WHEREAS, this tower is used for public safety communications as well as the City's data communication network; and,

WHEREAS, the tower is approaching 50 years of age; and,

WHEREAS, there are no formal engineering documents for this tower which would provide an analysis of the structural stability of the tower, establish the life expectancy of the structure, provide load ratings which are used when adding equipment to the tower; and,

WHEREAS, a Tower Study will provide this information, necessary for continued operations and future expansion; and,

WHEREAS, KMC 7.15.070 (b) (1) allows for purchases without competitive bidding of services that can only be furnished by a single provider; and,

WHEREAS, the City of Kenai released a contacted six local engineers Quotes for a Tower Study on March 29th; and,

WHEREAS, the Request for Quotes resulted in a single response from TecPro, Ltd. which exceeded the budgeted amount; and,

WHEREAS, Council passed Resolution 2022-30 on May 18, 2022 appropriating additional funds for this project; and,

WHEREAS, the City of Kenai released a formal bid for a Tower Study on May 19th with bids due on June 3rd, 2022, which included advertising in local newspapers and online; and,

WHEREAS, the City of Kenai received a single bid, again from TecPro, Ltd, which was deemed non responsive; and,

WHEREAS, TecPro, Ltd. was the only company to respond to a request for quotes and to the request for bids; and,

WHEREAS, TecPro appears to be the only provider capable of performing this work within the City's timeline; and,

WHEREAS, there are sufficient funds available for this project;

WHEREAS, it is in the best interest of the City to complete this timely.

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

Section 1. That Council authorizes the City Manager to execute a short form contract with TecPro, Ltd. for the completion of this work and to provide a Purchase Order to TecPro, Ltd. in the amount of \$48,150.


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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Dan Castimore, IT Manager
DATE: June 7, 2022
SUBJECT: Resolution 2022-46 Tower Study

The purpose of this memo is to recommend awarding a sole source contract to TecPro, Ltd. to complete a Tower Study.

The City of Kenai owns a communication tower that was constructed between 1972 and 1974. The actual date of construction is unknown, but blueprints from 1972 don't show a tower and blueprints from 1974 do. This tower is located at the Public Safety Building and is 140 feet tall. The City has been unable to locate any drawings or construction documents of this tower which would typically be used to determine load ratings. In addition, as the tower is approaching 50 years of age, metal fatigue is likely to have reduced the load rating over time. The only way to determine the capabilities of the current tower is to have an engineering firm preform a structural analysis of the existing tower.

This tower study will also provide an inventory of all of the equipment currently on the tower as well as drawings of the existing tower. The final component of the study will be to provide a list of preventative maintenance tasks that need to be performed in the future.

In the FY22 budget, \$34,000 was budgeted to complete a tower study. On March 29th a request for quotes was sent to six local engineering firms. None of these firms responded, but one suggested that TecPro, Ltd. would be an appropriate firm to complete this work. TecPro, Ltd. was subsequently contacted and they provided a response for \$48,150. As this amount was more than was available, the administration requested additional funding through Resolution 2022-30 which was approved by Council on May 18, 2022. Code requires that purchases over \$35,000 generally must be completed with a formal bid. A formal bid was released on May 19th, which was advertised in the Peninsula Clarion, Anchorage Daily News and online. The City receive one bid, again from TecPro Ltd., which was deemed non-responsive.

Because there were no responsive bidders to the formal bid, it is reasonable to assume that the only vendor that can provide this service is TecPro, Ltd. KMC 7.15.070 (b) (1) allows for purchases without competitive bidding of services that can only be furnished by a single provider. As such I

respectfully recommend that the Council approve a sole source contract to TecPro, Ltd. in the amount of \$48,150 to complete the tower study.

Your consideration is greatly appreciated.





Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2022-47**

A RESOLUTION AUTHORIZING THE USE OF THE EQUIPMENT REPLACEMENT FUND AND AUTHORIZING AWARD OF A CONTRACT FOR THE PURCHASE OF A REPLACEMENT AMBULANCE FOR THE KENAI FIRE DEPARTMENT.

WHEREAS, one of the Fire Department ambulances is due for replacement due to age and mileage; and,

WHEREAS, there are sufficient funds available in the equipment replacement fund to purchase a new ambulance; and,

WHEREAS, a bid specification was designed to suit the needs of the Fire Department followed by a formal request for proposal; and,

WHEREAS, three vendors submitted proposals and an evaluation was completed; and,

WHEREAS, Braun North West Inc. scored 291 points, Hughes Fire Equipment scored 255 points, and Sawtooth Emergency Vehicles scored 252 points; and,

WHEREAS, Braun North West submitted the highest scoring proposal; and,

WHEREAS, executing a contract with Braun North West for the purchase of an ambulance is in the best intent of the city.

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

Section 1. That the use of the Equipment Replacement Fund is authorized for the purchase of a replacement ambulance with an estimated total cost of \$245,372.

Section 2. That the City Manager is authorized to execute a contract and issue a purchase order for the purchase of an ambulance from Braun North West in the amount of \$245,372.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: 



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Tony Prior, Fire Chief

DATE: June 7, 2022

SUBJECT: **Resolution 2022-47 Authorizing and awarding contract for the purchase or an ambulance from equipment replacement fund.**

One of the older ambulances has passed its service life and is due for replacement, with available funding in the equipment replacement fund to accomplish this. Myself, and 3 other individuals prepared a bid specification that would fit the needs of our department and the medical services we provide. After the bid spec was completed, we advertised, requesting proposals from any vendor who would like the opportunity to submit a proposal for us to evaluate.

We received proposals from Braun North West Inc, Hughes Fire Equipment, and Sawtooth Emergency Vehicles. The categories for scoring the proposals included: Cost, Suppliers Experience, Conformity to Specifications, and Time of Delivery. After receiving the proposals, the panel of 3 individuals scored the proposals based on the categories listed above. Braun North West received a score of 291 points, Hughes Fire Equipment received a score of 255 points, and Sawtooth Emergency Vehicles received a score of 252 points.

We are very excited to move forward with this process as the build time for this ambulance is between 420 and 480 days. Chassis from Dodge, Ford and Chevy have been a major supply chain problem for these ambulance manufacturers, extending normal build times. We respectfully request your approval in moving forward with awarding this contract to Braun North West for the cost of \$245,372, and ask for your support in authorizing the City Manager to enter into a contract to build this ambulance for the above cost.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2022-48**

A RESOLUTION AMENDING THE EMPLOYEE CLASSIFICATION PLAN BY CHANGING THE TITLE OF THE ACCOUNTANT CLASS OF EMPLOYEES TO A CONTROLLER AND INCREASING THE RANGE.

WHEREAS, Ordinance 3289-2022 adopted the annual budget, salary schedule, and employee classification plan for the fiscal year commencing July 1, 2022 and ending June 30, 2023; and,

WHEREAS, the annual budget includes a current employee classification and range for an Accountant class at a range 21 under the Administrative Support category with authorized staffing for one position; and,

WHEREAS, the Accountant position will become vacant on August 6, 2022, creating a vacancy in a critical position in the Finance Department; and,

WHEREAS, reclassification of the existing Accountant position to a Controller position in the Supervisory and Professional category with additional budget preparation, financial statement preparation, and supervisory responsibilities will improve workload distribution and allow for greater opportunities for cross-training, succession planning, and flexibility in staffing within the Finance Department; and,

WHEREAS, a position description is drafted to reflect additional duties and qualifications of the Controller position; and,

WHEREAS, this proposed change will not result in an additional increase to the annual budget as an amendment to provide funding to increase the range of the Accountant position to a Controller position was included in the ordinance adopting the annual budget; and,

WHEREAS, comparing the proposed Controller position to other positions in the City, adjusting the range of the position from a 21 to a 25 is warranted; and,

WHEREAS, making this adjustment ensures that the range for the Controller accurately reflects the duties and responsibilities of the position comparable to other positions within the City and is adequate to recruit and retain candidates qualified to supervise and oversee the day-to-day accounting operations, financial reporting, and auditing functions of the Finance Department.

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

Section 1. The Council amends the Employee Classification Plan by amending the class title and range of the Accountant class of employee as follows:

Class Code	Class Title	Range
(A) <i>Supervisory and Professional</i> <u>124</u>	<u>Controller</u>	<u>25</u>
(B) <i>Administrative Support</i> [206	ACCOUNTANT	21]

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk



KENAI

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

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Christine Cunningham, Human Resources Director
Terry Eubank, Finance Director

DATE: June 7, 2022

SUBJECT: **Resolution 2022-48 – Amending the Employee Classification Plan to Change the Title and Range of the Accountant Class of Employees**

This resolution requests that City Council amend the City's Classification Plan to reclassify the Accountant position in the Finance Department. This change would reclassify the position title to Controller, amend the hourly pay range, and allow the City to recruit a Controller position at the higher range.

The Accountant position will become vacant on August 6, 2022, creating a vacancy in a critical role in the Finance Department. The Finance Director worked with Human Resources to recommend the reclassification of the Accountant position to a Controller position with additional budget preparation, financial statement preparation, and supervisory responsibilities that would support the organizational needs of the Finance Department. The existing employee in the Accountant position would remain in place until the date of her retirement as it would not be practicable for her to assume a wider range of management and supervision duties during her transition to retirement. This proposed change would benefit the City by improving workload distribution and allowing greater opportunities for cross-training, succession planning, and flexibility in staffing within the Finance Department.

This proposed change would not result in an increase to the annual budget as an amendment to provide funding to increase the range of the Accountant position to a Controller position was included in the ordinance adopting the annual budget, and the proposed change represents a reclassification of the Accountant position and not the creation of a new position nor the removal of a classification of employees.

A proposed position description was drafted to reflect additional duties and qualifications of the Controller and then scored to reflect fairly the differences in duties and responsibilities within the City's Classification Plan and related to compensation for comparable positions in other places of public employment. To meet the City's objective to provide an appropriate compensation structure to recruit and retain an adequate supply of competent employees, an amendment to the title and range of the Accountant position from a 21 to a 25 is appropriate to recruit and retain candidates qualified to supervise and oversee the day-to-day accounting operations, financial reporting, and auditing functions of the Finance Department.

If the City Council passes Resolution 2022-48, the Finance Department can begin recruitment to fill a Controller position immediately.

Your consideration is appreciated.





Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2022-49**

A RESOLUTION AUTHORIZING BINDING OF AIRPORT OWNERS AND OPERATORS LIABILITY INSURANCE COVERAGE FOR JULY 1, 2022 THROUGH JUNE 30, 2023.

WHEREAS, the City's insurance broker, HUB International Limited solicited coverage and price quotes for Airport Owners and Operators Liability insurance on behalf of the City for its operations at the Kenai Municipal Airport; and,

WHEREAS, Ace Property and Casualty Insurance Company through CHUBB provided the lowest quote for acceptable coverage; and,

WHEREAS, the premium for coverage for the period July 1, 2022 through June 30, 2023 is \$48,139; and,

WHEREAS, the additional optional coverages in the event of War, Terrorism Risk Insurance Act, were waived because of the additional premium cost of \$4,814 each or \$6,017 combined for the policy period; and,

WHEREAS, purchasing high-quality coverage at competitive premiums for Airport Owners and Operators Liability Insurance for FY23 is in the City's and all users of the Kenai Municipal Airport best interest.

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

Section 1. That the City Council authorizes the City Manager to bind the City's Airport Owners and Operators Liability insurance coverage for FY2023 with Ace Property and Casualty Insurance Company through CHUBB for an estimated annual premium of \$48,139.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: *J. Loh*



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Terry Eubank, Finance Director

DATE: June 7, 2022

SUBJECT: **Resolution 2022-49 Authorizing Binding of Airport Owners and Operators Liability Insurance for the period July 1, 2022 through June 30, 2023.**

Each year the City goes through a process of purchasing liability insurance for its operations at the Kenai Municipal Airport. The City's broker, HUB International Limited, solicited quotes from two insurers. Ace Property and Casualty Insurance Company through CHUBB provided the lowest quote for acceptable coverage.

Coverage includes annual aggregate limits for operations of \$100,000,000 and personal injury annual aggregate limits of \$50,000,000 for an annual premium of \$48,319. The City will be waiving additional coverage for War, Terrorism Risk Insurance Act because of the additional premium of \$4,814 each or \$6,017 combined.

Based upon the quality of coverage and competitive rates I recommend binding coverage with Ace Property and Casualty Insurance Company through CHUBB.



Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2022-50**

A RESOLUTION AUTHORIZING A BUDGET TRANSFER IN THE GENERAL FUND, PUBLIC WORKS DEPARTMENT – STREETS DIVISION FOR THE PURCHASE OF SANDING EQUIPMENT.

WHEREAS, the Public Works Department Street’s Division has identified a need to replace one of the City’s sanding units used in its Ford F450 for the purpose of sanding facility parking lots; and,

WHEREAS, multiple quotes were received with The Best Shop providing the lowest cost at \$6,500; and,

WHEREAS, the unit is in stock and available immediately; and,

WHEREAS, completing this purchase now will provide for the continued operations of the Department during the winter months; and,

WHEREAS, this purchase is replacing aging equipment and is not adding to the Departments existing inventory.

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

Section 1. That the following budget revisions are authorized:

General Fund:

Decrease Expenditures:

Streets - Operating Supplies \$(6,500)

Increase Expenditures:

Streets - Machinery & Equipment \$6,500

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: *T. Lusk*

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Director of Public Works
DATE: June 8, 2022
SUBJECT: Resolution 2022-50 Budget Transfer – Streets Division

The purpose of this memo is to request council’s authorization for a budget transfer within the Public Works – Streets Department operational budget for the purchase of a replacement sanding unit. These units wear out with use and replacing the unit now while equipment is in stock is intended to allow the Department to be fully prepared for the next winter season. Three quotes were received ranging from \$6,500 - \$9,000 with The Best Shop located on Kalifornski Beach Rd. providing the lowest cost. Photo below is an example of the make and model being purchased.

Council’s support is respectfully requested.





Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2022-51**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI ADOPTING THE CITY OF KENAI LAND MANAGEMENT PLAN.

WHEREAS, in 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan; and

WHEREAS, the City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes; and,

WHEREAS, City Staff created an electronic comment form available on the City website to receive public comments on the City of Kenai Land Management Plan; and,

WHEREAS, City Staff received public comments on the City of Kenai Land Management Plan with amendments for consideration by Council; and,

WHEREAS, at their meeting on January 13, 2022, the Airport Commission recommended approval of the Land Management Plan with amendments for consideration by City Council; and,

WHEREAS, at their meeting on November 8, 2021, the Harbor Commission recommended approval of the Land Management Plan to City Council; and,

WHEREAS, at their meeting on January 6, 2022, the Parks & Recreation Commission and Beautification Committee recommended approval of the Land Management Plan with amendments for consideration by City Council; and,

WHEREAS, at their meeting on January 26, 2022, the Planning and Zoning Commission recommended approval of the Land Management Plan with amendments for consideration by City Council; and,

WHEREAS, at their work session on March 7, 2022, the City Council discussed the Land Management Plan and amendments for consideration.

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

Section 1. That the attached City of Kenai Land Management Plan is hereby adopted.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: June 7, 2022

SUBJECT: **Resolution 2022-51 – Adopting the City of Kenai Land Management Plan**

In 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan. Since that time, Administration has worked diligently to draft a Land Management Plan to inventory, evaluate, and develop recommendations related to City-owned lands.

The City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development. The goals of the Land Management Plan incorporate many of these objectives and include the following:

- Provide an inventory of City-owned lands with detailed information on each parcel.
- Identify properties required for a public purpose or to meet a future public need.
- Establish recommendations for individual parcels that are surplus to the needs of the City to assist in responsible development.
- Create a comprehensive reference document that establishes a format for developing land management policies and procedures.

One of the City's greatest assets is its land inventory. The City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes. The Land Management Plan is an important tool to spur economic growth and improve the quality of life for Kenai residents and is key to the long-term viability of the City.

On October 11, 2021 there was a joint work session with City Council and City Commission Members to kick-off the review, discussion, and comment on the draft City of Kenai Land Management Plan. Several meetings were held with the Planning and Zoning Commission, Airport Commission, Joint Parks & Recreation Commission and Beautification Committee, and Harbor Commission to solicit discussion and comments on the draft Land Management Plan, which resulted in approval resolutions with recommended amendments from each of the

commissions. A City Council Work Session was held on March 7, 2022 to review the document and discuss possible amendments to the draft plan.

Based on all of the meetings, public comments, and resolutions to date, the following amendments are for your consideration:

The following three amendments for consideration have different recommendations for retention status. To avoid conflicting amendments if #2 is approved, neither #1 or #3 may be approved, however, if #2 is not approved, #1 and #3 could both be approved:

1. The retention status of parcel numbers 04301041 and 04301039 which appears on Map 15 Float Plane Basin Subdivision and Vicinity, be changed from Mixed-Retain/Dispose-Lease Only to Retain, for use as buffer/green space between the neighborhood and the airport.
2. Recommend on Map 15 Float Plane Basin Subdivision and Vicinity combining parcels 04301039 and 04301040, and combining parcels 04301041 and 04301042, and change the recommendation to retain for all four parcels for use as a buffer between the airport and the residential neighborhood.
3. Amend the narrative on page 63 regarding parcel 04301042 by adding the language: Parcel 04301042 should be subdivided to mirror parcel 04301040 to the north. The remainder of parcel 04301042 should be combined with parcel 04301041 which would remain with a retention status of retain.
4. The retention status of parcel number 04101004, which appears on Map 16 Kenai Municipal Airport, be changed from Retain to Mixed—Retain/Dispose—Lease Only.
5. The retention status of parcel 04322023, which appears on Map 23 Cook Inlet Industrial Air Park Subdivision, be changed from Dispose to Dispose—Lease Only.
6. Change the title of the City of Kenai Land Management Plan to the City of Kenai Land Management Inventory and Recommendations.
7. Recommend parcel 04317038 on Map 17 Gusty Subdivision, Kenai Cemetery, be changed from Retain to Mixed -Retain / Dispose-Lease Only and modify narrative on page 71 relative to this parcel to state: subdivide cemetery property from NE portion which would be usable for airport purposes.
8. Recommend parcel 04501003 on Map 31 Kenai Spur Highway Central Corridor, be changed from Dispose to Retain to provide a buffer for surrounding neighborhoods.



9. The retention status of parcel number 04316017, which appears on Map 10 Kenai Spur Highway Government Lots, be changed from Dispose to Retain, for the purpose of a future campground.
10. The retention status of parcels 04312004 and 04312008, which appears on Map 13 North Spruce Street Government Lots, be changed from Mixed-Retain/Dispose to Retain, for the purpose of a future campground.
11. Recommend parcels 04327030, 04327031 and 04327032 on Map 17 Gusty Subdivision, Kenai Cemetery, remain as Dispose-Lease Only, but the management intent of those parcels is such that parking would be allowed to support the adjacent softball fields.
12. Recommend removing the word “required” and replace with the word “consideration”. Not knowing what the development could be, the wording should not be so definitive for parcel 04501003 on p.153 and p.154.
13. Recommend parcel 04501061 on Map 30 Baron Park Subdivision be changed from dispose to retain, on the remainder of the parcel not utilized by the Triumvirate Theater of the Dog Park for the expansion of the recreational area.

Thank you for your consideration.

Attachments

Resolution AC21-01

Resolution HC21-01

Resolution PRB21-01

Resolution PZ21-39

Appraisal Report for Lawton Acres, Kenai, Alaska

Public Comments Received

Draft City of Kenai Land Management Plan:

<https://www.kenai.city/lands/page/land-management-plan>





**CITY OF KENAI
AIRPORT COMMISSION
RESOLUTION NO. AC21-01**

A RESOLUTION OF THE AIRPORT COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI ADOPT THE CITY OF KENAI LAND MANAGEMENT PLAN

WHEREAS, in 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan; and,

WHEREAS, the City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes; and,

WHEREAS, the Airport Commission of the City of Kenai and Planning Staff has received numerous comments and input regarding the draft City of Kenai Land Management Plan; and,

WHEREAS, City Staff held public meetings on October 11, 2021 and October 27, 2021 and scheduled public meetings for Commissions on November 4, 2021 November 8, 2021, and November 9, 2021 to receive public comments and discuss the City of Kenai Land Management Plan; and,

WHEREAS, City Staff created an electronic comment form available on the City website to receive public comments on the City of Kenai Land Management Plan; and,

WHEREAS, after reviewing the plan as presented on November 9, 2021, the Airport Commission has recommended amendments for consideration by City Council.

NOW, THEREFORE, BE IT RECOMMENDED BY THE AIRPORT COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. The Draft of the City of Kenai Land Management Plan is hereby recommended for adoption with the following amendments:

1. The retention status of parcel number 04101004, which appears on Map 16 Kenai Municipal Airport, be changed from Retain to Mixed—Retain/Dispose—Lease Only.
 2. The retention status of parcel 04322023, which appears on Map 23 Cook Inlet Industrial Air Park Subdivision, be changed from Dispose to Dispose—Lease Only.
-

Section 2. That a copy of Resolution AC21-01 be forwarded to the Kenai City Council.

PASSED BY THE AIRPORT COMMISSION OF THE CITY OF KENAI, ALASKA, this 13th day of January, 2022.

Glenda Feeken

GLENDA FEEKEN, CHAIRPERSON

ATTEST:

Michelle M. Saner

Michelle M. Saner, MMC, City Clerk





**CITY OF KENAI
HARBOR COMMISSION
RESOLUTION NO. HC21-01**

A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI ADOPT THE CITY OF KENAI LAND MANAGEMENT PLAN

WHEREAS, in 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan; and,

WHEREAS, the City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes; and,

WHEREAS, the Harbor Commission of the City of Kenai and Planning Staff has received numerous comments and input regarding the draft City of Kenai Land Management Plan; and,

WHEREAS, City Staff held public meetings on October 11, 2021 and October 27, 2021 and scheduled public meetings for Commissions on November 4, 2021 November 8, 2021, and November 9, 2021 to receive public comments and discuss the City of Kenai Land Management Plan; and,

WHEREAS, City Staff created an electronic comment form available on the City website to receive public comments on the City of Kenai Land Management Plan; and,

WHEREAS, after reviewing the plan as presented on November 8, 2021, the Harbor Commission has recommended adoption.

NOW, THEREFORE, BE IT RECOMMENDED BY THE HARBOR COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. The Draft of the City of Kenai Land Management Plan is hereby recommended for adoption.

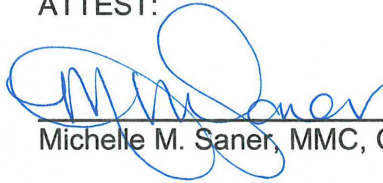
Section 2. That a copy of Resolution HC21-01 be forwarded to the Kenai City Council.

PASSED BY THE HARBOR COMMISSION OF THE CITY OF KENAI, ALASKA, this 11th day of January, 2022.



MIKE DUNN, CHAIRPERSON

ATTEST:



Michelle M. Saner, MMC, City Clerk



**CITY OF KENAI
PARKS & RECREATION COMMISSION AND BEAUTIFICATION COMMITTEE
JOINT RESOLUTION NO. PRB21-01**

A RESOLUTION OF THE PARKS & RECREATION COMMISSION AND BEAUTIFICATION COMMITTEE OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI ADOPT THE CITY OF KENAI LAND MANAGEMENT PLAN

WHEREAS, in 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan; and,

WHEREAS, the City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes; and,

WHEREAS, the Parks and Recreation Commission and Beautification Committee of the City of Kenai considered public comments and recommended changes to the draft City of Kenai Land Management Plan based on those comments; and,

WHEREAS, City Staff held public meetings on October 11, 2021 and October 27, 2021 and scheduled public meetings for Commissions on November 4, 2021 November 8, 2021, and November 9, 2021 to receive public comments and discuss the City of Kenai Land Management Plan; and,

WHEREAS, City Staff created an electronic comment form available on the City website to receive public comments on the City of Kenai Land Management Plan; and,

WHEREAS, after reviewing the plan as presented on November 4, 2021, the Parks & Recreation Commission and Beautification Committee has recommended amendments for consideration by City Council.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PARKS & RECREATION COMMISSION AND BEAUTIFICATION COMMITTEE OF THE CITY OF KENAI, ALASKA:

Section 1. The Draft of the City of Kenai Land Management Plan is hereby recommended for adoption with the following amendments:

1. The retention status of parcel number 04316017, which appears on Map 10 Kenai Spur Highway Government Lots, be changed from Dispose to Retain, for the purpose of a future campground.

2. Change the title of the City of Kenai Land Management Plan to the City of Kenai Land Management Inventory and Recommendations.
3. The retention status of parcels 04312004 and 04312008, which appears on Map 13 North Spruce Street Government Lots, be changed from Mixed-Retain/Dispose to Retain, for the purpose of a future campground.
4. Recommend parcels 04327030, 04327031 and 04327032 on Map 17 Gusty Subdivision, Kenai Cemetery, remain as Dispose-Lease Only, but the management intent of those parcels is such that parking would be allowed to support the adjacent softball fields.

Section 2. That a copy of Resolution PRB21-01 be forwarded to the Kenai City Council.

PASSED BY THE PARKS & RECREATION COMMISSION AND BEAUTIFICATION COMMITTEE OF THE CITY OF KENAI, ALASKA, this 6th day of January, 2022.

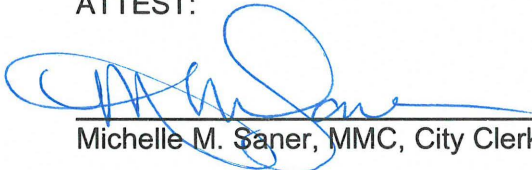


Charlie Stephens, CHAIRPERSON



Lisa Gabriel, CHAIRPERSON

ATTEST:



Michelle M. Saner, MMC, City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-39**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI ADOPT THE CITY OF KENAI LAND MANAGEMENT PLAN

WHEREAS, in 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan; and

WHEREAS, the City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes; and

WHEREAS, the Planning and Zoning Commission of the City of Kenai and Planning Staff has received numerous comments and input regarding the draft City of Kenai Land Management Plan; and,

WHEREAS, the Planning and Zoning Commission of the City of Kenai considered public comments and made changes to the draft City of Kenai Land Management Plan based on those comments; and,

WHEREAS, City Staff created an electronic comment form available on the City website to receive public comments on the City of Kenai Land Management Plan; and,

WHEREAS, after reviewing the plan as presented on November 10, 2021, the Planning & Zoning Commission has recommended amendments for consideration by City Council.

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

Section 1. The Draft of the City of Kenai Land Management Plan is hereby recommended for adoption with the following amendments.

1. The retention status of parcel numbers 04701018 which appears on Map 14 South Spruce Street, be changed from Dispose to Retain, for use as RV/tents and dipnet parking.
 2. The retention status of parcel numbers 04301041 and 04301039 which appears on Map 15 Float Plane Basin Subdivision and Vicinity, be changed
-

from Mixed-Retain/Dispose-Lease Only to Retain, for use as buffer/green space between the neighborhood and the airport.

3. Amend the narrative on page 66 regarding parcel 04301042 by adding the language: Parcel 04301042 should be subdivided to mirror parcel 04301040 to the north. The remainder of parcel 04301042 should be combined with parcel 04301041 which would remain with a retention status of retain.
4. The retention status of parcel number 04101004, which appears on Map 16 Kenai Municipal Airport, be changed from Retain to Mixed—Retain/Dispose—Lease Only.
5. The retention status of parcel 04322023, which appears on Map 23 Cook Inlet Industrial Air Park Subdivision, be changed from Dispose to Dispose—Lease Only.
6. Change the title of the City of Kenai Land Management Plan to the City of Kenai Land Management Inventory and Recommendations.
7. Recommend parcel 04317038 on Map 17 Gustly Subdivision, Kenai Cemetery, be changed from Retain to Mixed -Retain / Dispose-Lease Only and modify narrative on page 74 relative to this parcel to state: subdivide cemetery property from NE portion which would be usable for airport purposes.
8. Recommend parcel 04501003 on Map 31 Kenai Spur Highway Central Corridor, be changed from Dispose to Retain to provide a buffer for surrounding neighborhoods.

Section 2. That a copy of Resolution PZ2021-39 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of January, 2022.



JEFF TWAIT, CHAIRPERSON

ATTEST:



Michelle M. Saner, MMC, City Clerk

MacSwain Associates LLC

4401 Business Park Boulevard, Suite 22, Anchorage, Alaska 99503

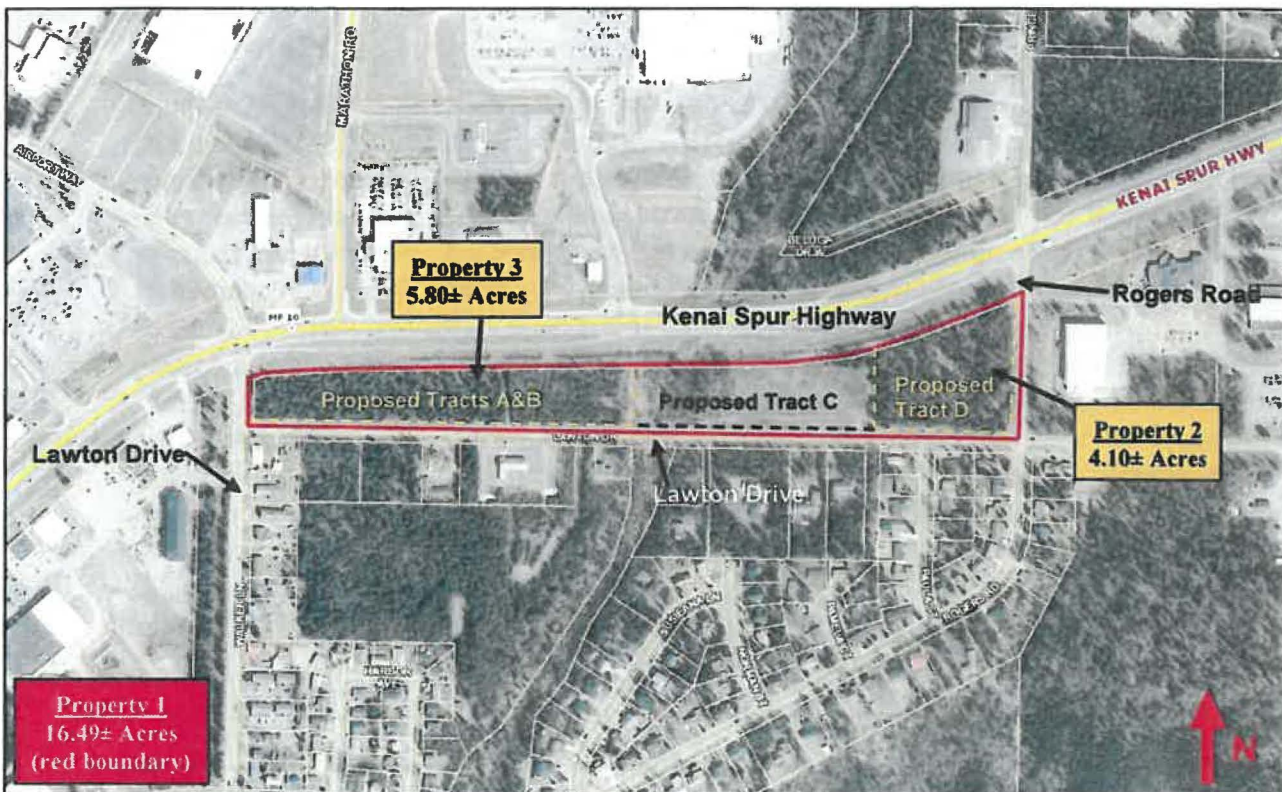
APPRAISAL REPORT

Appraisal of Three Properties in Lawton Acres, Kenai, Alaska

Property 1: 16.49-Acre Parcel (Property ID 045-01-003)

Property 2: 4.10-Acre Parcel (Proposed Tract D)

Property 3: 5.80-Acre Parcel (Proposed Tracts A & B)



Effective Appraisal Date: June 15, 2017

File No. 17-3078

Submitted To:

Scott M. Bloom, City Attorney
City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

4401 Business Park Blvd., Suite 22
 Anchorage, Alaska 99503
 Phone: 907-561-1965
 Fax: 907-561-1955
 s.macswain@macswain.com

June 30, 2017

Scott M. Bloom, City Attorney
 City of Kenai
 210 Fidalgo Avenue
 Kenai, AK 99611

Re: Appraisal of Three Properties in Lawton Acres
 Kenai, Alaska

Dear Mr. Bloom:

We have prepared an *Appraisal Report* that analyzes three properties located in Kenai, Alaska. Property 1 is a 16.49± acre parcel known as Lawton Acres, which fronts the south side of the Kenai Spur Highway and the north side of Lawton Drive, between Walker Lane and Rogers Road. Property 2 is a proposed tract of land (Tract D) situated on the east end of Lawton Acres, containing 4.10± acres. Property 3 is a proposed tract of land (Tracts A & B) on the westerly half of Lawton Acres, containing 5.80± acres. Because Properties 2 and 3 are proposed, it is an *extraordinary assumption* of these appraisals that they will be subdivided and the plat will be approved by the Kenai Peninsula Borough. We analyzed each property independently, but present our findings bound in one report. Listed below are property identification numbers or legal descriptions, sizes, and market value estimates for each property appraised. The property rights appraised is the *fee simple interest*. The report is prepared in accordance with the *Uniform Standards of Professional Appraisal Practice* (USPAP).

Based on the data, reasoning, and analysis that follow, we are of the opinion that the market value of each subject property, as of June 15, 2017, is as follows:

<i>Legal Description</i>	<i>Size</i>	<i>Market Value</i>
<i>Property 1 – Property ID 045-01-003</i>	<i>16.49± Acres</i>	<i>\$600,000</i>
<i>Property 2 – Proposed Tract D</i>	<i>4.10± Acres</i>	<i>\$275,000</i>
<i>Property 3 – Proposed Tracts A & B</i>	<i>5.80± Acres</i>	<i>\$250,000</i>

We invoke an extraordinary assumption for the appraisals of Property 2 and Property 3, that they will be subdivided as indicated by the proposed plat, and the plat will be approved by the Kenai Peninsula Borough. If found to be false, the market value estimates could be affected.

Name	Comment	Map, Page, or Parcel Number	Kenai Resident (Yes or No)	Date	Action/Response
Henry Knackstedt	1) Page 31 - #03913202 – Add note in comments regarding re-dedication of ROW as noted on Page 27.	Page 31 - #03913202	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	2) Page 36 - #043010348 – Retention Status Table should be “Retain -Mixed” not just retain since the triangular rea to the north may be suitable for sale per Comments on Page 37.	Page 36 - #043010348	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	3) Page 70 – Second Paragraph - road rights-of-way need to be dedicated “in conformance with the most recent FAA-approved ALP”. Restructure sentence to reference ALP is needed.	Page 70 – Second Paragraph	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	4) Page 71 - #04318044 – The southern portion of this parcel, southwest of long-term parking is leased by the CAP. There should be similar language as used for Parcel #04327036 on pages 75, and Page 79.	Page 71 - #04318044	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	5) Page 75 – 04327036 – I think it is worth comment that high pressure gas pipelines cross the property along the section line that bisects the CAP lease.	Page 75 – 04327036	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	6) 04318044 & 04327036 CAP Property. I think it should be a stated goal for the city to gain control of the CAP Property lease from the USACE and renegotiate a lease with the Alaska Civil Air Patrol.	04318044 & 04327036 CAP Property	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	7) Page 103 - #04336033 – Check the lease expiration date of 2022 as we recently extended this lease with the FSS. It may be correct but do check.	Page 103 - #04336033	Yes	10/1/2021	FAA Flight Service Station lease expires 9/30/22.
Henry Knackstedt	8) Page 105 - #04336040 – Check the lease expiration date of 2021 as we recently extended this lease. It may be correct but do check.	Page 105 - #04336040	Yes	10/1/2021	Lease expired 6/30/21, a Special Use Permit was executed in its place. A lease has been recorded for a 5-year lease by the Alaska Division of Forestry.
Henry Knackstedt	9) Page 108 and 111 - #04323031- As noted, this parcel is pending a purchase. Keep this flagged if completed prior to finalization of the document.	Page 108 and 111 - #04323031	Yes	10/1/2021	Comment noted.
Henry Knackstedt	10) Page 114 & 118 - #04324030 – This parcel I believe is under lease with SOAR and is no longer pending.	Page 114 & 118 - #04324030	Yes	10/1/2021	This parcel is under lease and will be updated.
Henry Knackstedt	11) Page 114 & 118 - #04324030 – This parcel has a lease extending past 2022 per recent council action.	Page 114 & 118 - #04324030	Yes	10/1/2021	This parcel is under a 45 year lease and will be updated.
Henry Knackstedt	12) Page 134 & 135 - #04705501 – As noted, this parcel is pending a purchase. Keep this flagged if completed prior to finalization of this document.	Page 134 & 135 - #04705501	Yes	10/1/2021	Comment noted.
Henry Knackstedt	13) Page 148 - #04501030 Paragraph 2 - There is a recommendation for the city to retain that portion of the property that contains access to Ryan’s Creek Trail. It appears this is Airport property, so if the city sells the parcel, that portion of the parcel retained for city use should be purchased from the Airport by the City. A note needs to be added here to make that clear.	Page 148 - #04501030 Paragraph 2	Yes	10/1/2021	Access to Ryan's Creek Trail could be accomplished through means other than City ownership, such as an easement, and per FAA guidance compensation to the airport may not be required in instances where airport lands are used for public recreation purposes.
Henry Knackstedt	14) Page 154 - #04501003 – last paragraph – Remove the word “required” and replace with the word “consideration”. Not knowing what the development could be, the wording should not be so definitive.	Page 154 - #04501003	Yes	10/1/2021	Formal motion should be considered by Council to incorporate this change.
Henry Knackstedt	15) Page 155 – #04501003 – same comment as above in #14 for the table.	Page 155 – #04501003	Yes	10/1/2021	Formal motion should be considered by Council to incorporate this change.

Henry Knackstedt	16) Page 184 - #04901022 – Last paragraph – the city did not dig test holes. The city hired a consultant who excavated test holes and provided a soils report. The paragraph should be rewritten to clarify the work done and to include the title and the location of the report for future use.	Page 184 - #04901022	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	17) Page 188 & 189 – remove the word “caribou” in multiple locations and replace with the word “wildlife”. The areas do provide wildlife habitat and should not be so specific to a species.	Page 188 & 189	Yes	10/1/2021	Comment will be incorporated into final document.
Henry Knackstedt	18) Page 192 - #04911010 – The retention status indicates “requires subdivision” I don’t believe that the parcel requires subdivision though subdivision is a possibility. I would recommend saying “may need subdividing” or something similar.	Page 192 - #04911010	Yes	10/1/2021	Comment will be incorporated into final document.
Victoria Askin	Changing the zoning of a piece may be a concern for potential purchase. Would that be done before sale or after? Great Job! The plan is easy to follow + understand. Can't wait to see the online tool.	Map 10, Parcel No. 04316017, Page 48	Yes	10/11/2021	A rezoning application can be submitted either before or after a sale. A rezoning application before sale would require the City to approve the application as the property owner.
Glenese Pettey	What is the total acres in the City of Kenai? What percentage of land is in private holding?	General Question	Yes	10/11/2021	The City of Kenai encompasses approximately 18,207 acres with approximately 5,543 acres in private ownership.
Andrew Walsh	Is the City willing to allow a Right of Way vacation as part of this land management plan? If so, what is the process to acquire unused Right of Way?	PARCEL ID: 04916071	Yes	10/13/2021	Comment withdrawn.
Andrew Walsh	Please disregard my previous comment. I now see the parcel in question is KPB owned, not City of Kenai owned	PARCEL ID: 04916071	Yes	10/13/2021	Comment withdrawn.
Dave Peck	people who may be 03901065-map 7, 04101013-map 15. There are using portions of these plots (dirt roads) for their snow machines to access land north of the airport. Some of these trails may be north of the city limits but I think consideration should be given to using some of these parcels, if applicable, for winter recreation access & summer recreation like hiking etc. Mostly as access to other larger wild areas. I see the snow machines using these areas all the time in the winter. 04501061 map 30, This plot is adjacent to the newly planned dog park & the lake. It seems it might make a nice area to expand the recreational opportunity adjacent to the dog park & lake. It could be used as a nice natural area/buffer between the juvenile correction center & the lake dog park area. **And finally, a general thought, re: properties surrounding the airport. I think it's important, whenever possible, to keep a forested buffer between the airport & residential areas. This helps muffle the sounds of aircraft & airport machinery from the homes. We'll still hear airport activity but forested areas do absorb a lot of sound, as well as create a visible buffer too.	03901065-map 7, 04101013-map 15, 04501061 map 30	Yes	12/5/2021	Formal motion should be considered by Council to incorporate this change.
Brandon Cramer	I would like to see Kenai retain this parcel for its current use as a park. At minimum please retain the section from the field of flowers East to Rogers Road. Being located at the entrance to the city, close to schools and a large residential area it is perfect for a park. Thanks	Parcel ID 04501003	Yes	12/6/2021	Formal motion should be considered by Council to incorporate this change.

<p>Kristine Schmidt</p>	<p>I am opposed to disposal of the following two parcels: 1. 04501003 (commonly referred to as Lawton Acres) on Map 31. This lot was set aside by the Kenai City Council in the 1980s as a buffer area to protect the two subdivisions south of this parcel, as part of the development of the property across the Spur Highway, where Pizza Hut was located. This lot also provides a very scenic view of the beautiful boreal forest in Kenai, to balance out the generally ugly clearcut commercial development in the adjacent properties. The City Administration's proposal to dispose of this property and leave a little tiny strip along Lawton Drive is not sufficient protection from traffic noise for the two subdivisions. The land is also contaminated and is better left as is.</p>	<p>Map 31 - Parcel Number 04501003 (Lawton Acres)</p>	<p>Yes</p>	<p>1/19/2021</p>	<p>Formal motion should be considered by Council to incorporate this change.</p>
<p>Kristine Schmidt</p>	<p>2. 04705216 (reserved land along Walker Lane). I lived on Walker Lane in the 1980s and the commercial development of the adjacent property (where McDonald's and Three Bears are located) was very controversial at the time. The developer agreed to keep the buffer area along Walker Lane to separate his commercial development from the residential neighborhood east of Walker Lane. The 1978 plat of the developer's subdivision contains a reservation of this lot "for a buffer strip to screen this subdivision from the residential area east of First Avenue [now Walker Lane], and is not intended for development." Therefore, the Land Management Plan is not correct on page 158 in claiming that that the northern end of the lot could be subdivided off and developed, as the plat reservation says the opposite.</p>	<p>Map 32 - Parcel Number 04705216 (Reserved Land along Walker Lane)</p>	<p>Yes</p>	<p>1/19/2021</p>	<p>Formal motion should be considered by Council to incorporate this change.</p>
<p>Kenai Watershed Forum</p>	<p>This parcel is ~50 ft from documented anadromous stream Processor Creek, per ADFG. It also lies within valuable riparian wetlands and adjacent to tidal wetlands. With these considerations any development for parking, storage, etc. should include stormwater and green infrastructure to filter pollutants coming from cars and machinery.</p>	<p>Parce #: 4901124</p>	<p>Not Indicated</p>	<p>3/9/2022</p>	<p>Comment noted.</p>
<p>Kenai Watershed Forum</p>	<p>A portion of this parcel (~20%) is a wetland. Future development of this parcel should aim to minimize wetlands loss and mitigate stormwater runoff.</p>	<p>Parcel # 4501037</p>	<p>Not Indicated</p>	<p>3/9/2022</p>	<p>Comment noted.</p>
<p>Kenai Watershed Forum</p>	<p>This parcel is adjacent to bluffs (<200 ft) along North Kenai Beach, which are subject to documented erosion processes.</p>	<p>Parcel #: 4301102</p>	<p>Not Indicated</p>	<p>3/9/2022</p>	<p>Comment noted.</p>
<p>Kenai Watershed Forum</p>	<p>This parcel is adjacent to bluffs (<200 ft) along North Kenai Beach, which are subject to documented erosion processes.</p>	<p>Parcel #: 4301301</p>	<p>Not Indicated</p>	<p>3/9/2022</p>	<p>Comment noted.</p>
<p>Kenai Watershed Forum</p>	<p>This parcel is adjacent to bluffs (<200 ft) along North Kenai Beach, which are subject to documented erosion processes.</p>	<p>Parcel #: 4301302</p>	<p>Not Indicated</p>	<p>3/9/2022</p>	<p>Comment noted.</p>

Kenai Watershed Forum	This parcel is adjacent to bluffs along North Kenai Beach, which are subject to documented erosion processes.	Parcel #: 4301401	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is adjacent to bluffs along North Kenai Beach, which are subject to documented erosion processes.	Parcel #: 4301403	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is adjacent to bluffs along North Kenai Beach, which are subject to documented erosion processes.	Parcel #: 4301404	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is adjacent to bluffs along North Kenai Beach, which are subject to documented erosion processes.	Parcel #: 4301503	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is adjacent to bluffs along North Kenai Beach, which are subject to documented erosion processes.	Parcel #: 4301504	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is adjacent to bluffs (<200 ft) along North Kenai Beach, which are subject to documented erosion processes.	Parcel #: 4301601	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is adjacent to bluffs (<200 ft) along North Kenai Beach, which are subject to documented erosion processes	Parcel #: 4301701	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	The site is directly adjacent to a small drainage. Future development should take in to account the potential for stormwater runoff and mitigate accordingly.	Parcel #: 4322023	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Parcel is directly adjacent to a drainage. Future development should take into account the potential for stormwater runoff an implement solutions to mitigate the issue such as green infrastructure.	Parcel #: 4323017	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Parcel is less than 200 feet from a draiange. Future development should take into account the potential for stormwater runoff an implement solutions to mitigate the issue such as green infrastructure.	Parcel #: 4324002	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Northeastern corner of parcel has been identified as drainage way for adjacent lakebed wetland directly east of this parcel. Any development of this property should accomodate for these wetland assets through development buffers or drainage filtration devices such as bioswales.	Parcel #: 4336033	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Wetland status has been determined as drainage way for adjacent lakebed wetland directly east of this parcel. Any development of this property should accommodate for these wetland assets through development buffers or drainage filtration devices such as bioswales.	Parcel #: 4336034	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Wetland status has been determined as drainageway for adjacent lakebed wetland directly east of this parcel. Any development of this property should accomodatefor these wetland assets through development buffers or drainage filtration devices such as bioswales.	Parcel #: 4336036	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Northeastern corner of parcel has been identified as drainage way for adjacent lakebed wetland directly east of this parcel. Any development of this property should accomodate for these wetland assets through development buffers or drainage filtration devices such as bioswales.	Parcel #: 4336038	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Southwestern corner of parcel has been identified as drainage way for adjacent lakebed wetland directly east of this parcel. Future development of this property should accomodate for these wetland assets through development buffers or drainage filtration devices such as bioswales.	Parcel #: 4336040	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	An anadromous stream (Processor Creek) crosses through the center of this parcel. Future development on this parcel should mitigate stormwater runoff using green infrastructure alongside the stream's path with its adjacent riparian wetland. Buffers, bioswales, and other measures should be considered to limit possible damage to this salmon bearing stream.	Parcel #: 4501003	Not Indicated	3/9/2022	Comment noted.

Kenai Watershed Forum	The majority of this parcel (>60%) lies on a historical lakebed wetland. Future development of this parcel should aim to minimize wetlands loss and mitigate stormwater runoff.	Parcel #: 4501031	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Lakebed wetland and accompanying drainage present throughout the entirety of this property. Future development should accomodate these features and limit damage to the wetlands.	Parcel #: 4501038	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Lakebed wetland and accompanying drainage present throughout the entirety of this property. Future development should accomodate these features and limit damage to the wetlands.	Parcel #: 4501039	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Lakebed wetland and accompanying drainage present throughout the much of the property. Future development should accomodate mitigation efforts to limit damage to these wetlands through green infrastructure.	Parcel #: 4501042	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Lakebed wetland and accompanying drainage present throughout much of the property. Future development should accomodate mitigation efforts to limit damage to these wetlands through green infrastructure.	Parcel #: 4501043	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Lakebed wetland present along western edge of parcel should be accomodated for during future development.	Parcel #: 4501051	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Lakebed wetland present along western edge of parcel should be accomodated for during future development.	Parcel #: 4501052	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel lies ~200 ft uphill from documented anadromous stream 244-30-10010-2004 (No-Name Creek), per ADF&G that has been identified as rearing habitat for coho, sockeye, and Chinook salmon. Future development on this parcel should have adequate systems to prevent harmful stormwater runoff via stormwater mitigation and green infrastructure.	Parcel #: 4701018	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	The southern portion of the parcel is occupied by lakebed and drainage way wetlands. Future development should accomodate and preserve these features.	Parcel #: 4701019	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel contains the headwaters of anadromous stream, Processor Creek, that provides rearing habitat for coho and sockeye salmon as documented by ADFG. The important value of this resource should be taken into consideration for any future development decisions.	Parcel #: 4901121	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is ~50 ft from documented anadromous stream Processor Creek, per ADFG. It also lies within valuable riparian wetlands and adjacent to tidal wetlands. With these considerations any development for parking, storage, etc. should include stormwater and green infrastructure to filter pollutants coming from cars and machinery.	Parcel #: 4901125	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	This parcel is ~100 ft from documented anadromous stream Processor Creek, per ADF&G. It also lies within valuable riparian wetlands and adjacent to tidal wetlands. With these considerations any development for parking, storage, etc. should include stormwater and green infrastructure to filter pollutants coming from cars and machinery.	Parcel #: 4901130	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	The southern portion of the parcel is occupied by lakebed and drainage way wetlands. Future development should accomodate and preserve these features.	Parcel #: 4901131	Not Indicated	3/9/2022	Comment noted.

Kenai Watershed Forum	The parcel contains two anadromous streams; Beaver Creek in the Northwest portion and a tributary of Beaver Creek crossing through the center. The parcel is occupied by wetlands classified as tidal in the riparian area along the center drainage, and is occupied by lakebed wetlands throughout most of the remainder. Future development should accomodate and preserve these features for fish and wildlife habitat.	Parcel #: 4904031	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for comments in the 2021 draft management plan. The parcel is fully occupied by tidal and lakebed wetlands, is bordered by Beaver Creek, and is crossed by a tributary of Beaver Creek. Consider amending zoning status to reflect conservation use.	Parcel #: 4926125	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for comments in the 2021 draft management plan. The parcel is fully occupied by tidal and lakebed wetlands, is bordered by Beaver Creek, and is crossed by a tributary of Beaver Creek. Consider amending zoning status to reflect conservation use.	Parcel #: 4926126	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for protection of lowlands in Beaver Creek riparian area. The parcel has two identified cold-water seeps, which are important for modulating stream water temperatures. See map and further comment details at https://bit.ly/cok_plan_2021 .	Parcel #: 4926216	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for parcel retention for conservation purposes. Area is fully occupied by drainage way and lakebed wetlands.	Parcel #: 4935006	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for parcel retention for conservation purposes. Area is fully occupied by drainage way and lakebed wetlands.	Parcel #: 4938052	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	The southern portion of the parcel is occupied by lakebed and drainage way wetlands. Future development should accomodate and preserve these features.	Parcel #: 4938125	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Given parcel is designated for public recreation use and houses a documented anadromous stream, per ADF&G, future changes in land use should be accompanied by stormwater or green infrastructure to limit pollutant load flowing into stream. Parcel also houses riparian and lakebed wetland delineations that should be evaluated for ways to mitigate damage in case if future development.	Parcel #: 4938216	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for retention of this popular river access point. The southern portion of the parcel is occupied by an anadromous stream flowing into the Kenai River mainstem.	Parcel #: 4945002	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Parcel is crossed by an anadromous stream. Future development should ensure conservation of this resource, including adequate fish passage structures and riparian buffer.	Parcel #: 4945004	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Parcel is crossed by an anadromous stream. Future development should ensure conservation of this resource, including adequate fish passage structures and riparian buffer.	Parcel #: 4945005	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for protection of lowlands in Beaver Creek riparian area, and for amending zoning to reflect conservation use. The parcel contains several cold-water seeps and springs identified using thermal infrared imagery, which are important for modulating stream water temperatures. See map and further comment details at https://bit.ly/cok_plan_2021 .	Parcel #:4108013	Not Indicated	3/9/2022	Comment noted.

Kenai Watershed Forum	Due to proximity to an anadromous stream (AWC 244-30-10010-2001-3004) and adjacent wetlands, future development of this parcel should include stormwater and/or green infrastructure to mitigate effects to waterways.	Parcel #:4327020	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Lakebed wetland and accompanying drainage present throughout the entirety of this property. Future development should accommodate mitigation efforts to limit damage to these wetlands through green infrastructure.	Parcel #:4501041	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Given parcel is adjacent to anadromous stream, Kenai River, it is recommended that stormwater and green infrastructure be installed to limit pollutant runoff into waterway.	Parcel #:4910106	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for protection of lowlands in Beaver Creek riparian area. The parcel contains several cold-water seeps and springs identified using thermal infrared imagery, which are important for modulating stream water temperatures. See map and further comment details at https://bit.ly/cok_plan_2021 .	Parcel #4108003	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	We express support for the comments in the 2021 draft management plan.	Parcel #4108018	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Adequate protection of the parcel's resources (riparian area of Richka creek and archeological resources) should be implemented. Given that the parcel is designated for public use, future development in the upland area should take in to account stormwater drainage into the adjacent stream by allowing for buffer strips or other green infrastructure	Parcel #4316017	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Eastern portion of the parcel is directly adjacent to a drainage. Future development should take into account the potential for stormwater runoff and implement solutions to mitigate the issue such as green infrastructure.	Parcel #4323031	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Due to proximity to an anadromous stream (AWC 244-30-10010-2001-3004) and adjacent wetlands, future development of this parcel should include stormwater and/or green infrastructure to mitigate effects to waterways.	Parcel #4327021	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Due to proximity to an anadromous stream (AWC 244-30-10010-2001-3004) and adjacent wetlands, future development of this parcel should include stormwater and/or green infrastructure to mitigate effects to waterways.	Parcel #4327034	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Due to proximity to AWC 244-30-10010-2001-3004 and adjacent wetlands any future development of this parcel should include stormwater and/or green infrastructure to mitigate effects to waterways	Parcel #4327035	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	A portion of this parcel (~30%) is a wetland. Future development of this parcel should aim to minimize wetlands loss and mitigate stormwater runoff.	Parcel #4501030	Not Indicated	3/9/2022	Comment noted.
Kenai Watershed Forum	Drainage way for adjacent wetlands present throughout portions of this parcel. Future development should accommodate mitigation efforts to limit damage to these wetlands through green infrastructure.	Parcel #4501044	Not Indicated	3/9/2022	Comment noted.

**KENAI CITY COUNCIL – REGULAR MEETING
MAY 18, 2022 – 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 May18, 2022, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor
Teea Winger
Glenese Pettey
Henry Knackstedt

James Baisden
Deborah Sounart
Jim Glendening, Vice Mayor

A quorum was present.

Also in attendance were:

**Silas Thibodeau, Student Representative
Paul Ostrander, City Manager
Scott Bloom, City Attorney
Terry Eubanks, Finance Director
Kathy Romain, Senior Services Director
Christine Cunningham, Human Resource Director
Scott Curtin, Public Works Director
Randi Broyles, Assistant to City Manager
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- Add item D.2. **Public Hearing – Ordinance No. 3287-2022**
- Public Comments

MOTION:

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

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

4. Consent Agenda

MOTION:

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

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

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

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 PUBLIC COMMENTS – None.

C. UNSCHEDULED PUBLIC COMMENTS

Mark Griffin, operator of the Kenai Golf Course provided an update on operations at the golf course; reported on a Jr. Golf Clinic and getting youth involved with the sport; and noted some structures that were needing repairs and maintenance.

D. PUBLIC HEARINGS

- 1. Ordinance No. 3286-2022** – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the US Department of Transportation Passed Through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3286-2022. Council Member Sounart **SECONDED** the motion.

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

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED UNANIMOUSLY.

- 2. Ordinance No. 3287-2022** – Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. (Mayor Gabriel and Council Member Baisden)

MOTION:

Council Member Baisden **MOVED** to enact Ordinance No. 3287-2022. Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Ryan Tunseth addressed the Council in support of Ordinance 3287-2022; he identified a large donation from Royce Roberts and the possibility of purchasing the Kenai Community Care Center facility; he noted

the passion of the Boys and Girls Club to serve the children of our community and the timeliness of this purchase. There was conversation regarding what would occur if the ordinance were postponed two weeks.

Linda Hutching, treasurer of the Kenai Community Care Center spoke in support of Ordinance 3287-2022; provided a history of the Kenai Community Care Center; the services provided by the care center; the reasons for selling the facility; and noted there were three parties interested in purchasing the facility. There was discussion regarding the Boys and Girls Club not being able to make any plans or take any actions until the ordinance is approved.

April Orth addressed the Council noting she had heard of other subdivision options for the parcel; requested documentations be available regarding disposal of City own lands; she stated her support for the Boys and Girls club; however, noted concerns with the proposed location being off the beaten track.

Kyle Kornelis address the Council stating that there would be a lot of positive comments regarding the Boys and Girls Club; however, he wanted to address the conceptual process. He noted that it would be difficult to say what portions of the proposed parcel would be needed at this time; referenced the revert clause within the ordinance itself; and noted their plans and designs at this point were not feasible without being able to consider the entire parcel.

Tory Harsham addressed the Council regarding all of the benefits to the children who are able to attend the Boys and Girls Club academic and athletic programs.

Mike Navarre, Boys and Girls Club Board Member for 25-years addressed the Council in support of the ordinance; noted it was an opportunity for growth; he spoke to the financial impact to the City from visitors to the programs offered by the Boys and Girls Club; and noted that he was also on the Rasmussen Board and there were timelines involved for grant funding.

Tim Dillion, Kenai Peninsula Economic Development District Director addressed the Council in support of the ordinance; nothing this is about opportunity; he spoke to the economic benefits to the City if the club was located within the City; and the importance of making sure we had somewhere young people could go. There was discussion regarding the benefits to the workforce when there are places like the Boys and Girls Club in a community.

Carl Wik addressed the Council in support of the Boys and Girls Club, noting this was well supported by our community and a great opportunity for everyone.

Mark Burton addressed the Council in support of the ordinance, noting the Boys and Girls Club was not a daycare, it is an opportunity for kids to grow.

Tim Redder addressed the Council in support of the ordinance, noting the difficulty in finding quality child care and for so many the Boys and Girls Club was the solution; he recognized how the programs and people from the club shaped his son; and reminded everyone of how many meals are provided to kids through the Boys and Girls Club.

Amber Every addressed the Council in support of the ordinance, noting the benefits from the club to her two children; stated she had coached sports for the club and truly believes the if they build it they will come.

Todd Smith addressed the Council in support of the ordinance; spoke to the positive impact it will have on the local economy and spoke in opposition to possible postponement.

Jeff Dolifka addressed the Council in support of the ordinance; recognized the difficult decision before the Council; outlined the events leading up to the Planning and Zoning Commission meeting in which they postponed their recommendation. There was discussion related to the Council supporting the

donation; however, the importance of allowing the Planning and Zoning Commission to make their recommendation.

Ashton Reinke addressed the Council stating that the teen center was not a day care; he noted his appreciation for all the Boys and Girls Club do; and how much more they will be able to do with the new facility.

Christen Lee addressed the Council in support of the ordinance; he stated the Boys and Girls Club was not just a place to go, it was also presented youth with a place to belong and makes a difference in the mental health of the youth.

Erin Dolifka addressed the Council in support of the ordinance and the economic benefits to the City if the facility were located in within the City limits.

Shanette Wik addressed the Council in support of the ordinance; noting they have outgrown the current facility; and clarified that when Aurora Charter School was in session they also loss the use of the gym.

Carol Sinenko addressed the Council in support of the ordinance; noting the Boys and Girls Club also offered an opportunity for professionals who love to work with kids; and the expansion would offer more job opportunities.

Doug Heiman addressed the Council in support of the ordinance and offered insight from the success of the club located at Tustumena Elementary; he reported that the trends for membership are above pre-pandemic levels.

Tim Navarre addressed the Council in support of the ordinance; referenced the City slogan and stated that the Boys and Girls Club is the future.

Chris Huf addressed the Council in support of the ordinance; noted that a donating only a portion of the parcel would require platting; stated it was in the best interest of the City to support the facility; and the facility did not meet the needs of the Boys and Girls Club without the land donation.

Alex Douthit, City of Kenai Planning Commissioner stated that when the Ordinance was in front of the commission for recommendation the additional information provided to the City Council was not provided to the commission.

Malcom McBride said he supported the Boys and Girls Club; noted the City had supported them heavily in the past 25 to 30 years; noted there was a lot of pressure to approve the ordinance; and stated the area was not accessible in the month of July.

Jeff Twait, City of Kenai Planning Commissioner stated that he did recuse himself during the Planning and Zoning Commission meeting; he noted it was a win/win for the City to donate the land, then carve out what sections were needed for the Boys and Girls Club and the other portions could be used for housing.

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

[Clerk's Note: Council Member Pettey declared a possible conflict with Ordinance 3287-2022 as she is a Board Member on the Kenai Community Care Center Board. Mayor Gabriel ruled Council Member Pettey had no conflict of interest.]

There was discussion regarding the importance of the success of the Boys and Girls Club; if donated the Boys and Girls Club would be responsible for surveying the land; the role of the Planning and Zoning Commission being advisory; and the generous donation from Royce Roberts.

Concerns were stated regarding to donating a piece of land without knowing the value; the effects of delaying the Boys and Girls Club facility purchase for two-weeks; and the importance of process and waiting for a recommendation from the Planning and Zoning Commission.

MOTION:

Council Member Knackstedt **MOVED** to amend Ordinance No. 3287-2022 title by correcting the parcel number from [047010118] to 04701018. Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

MOTION:

Vice Mayor Glendening **MOVED** to postpone Ordinance No. 3287-2022 to the June 1, 2022 City Council Meeting. Council Member Winger **SECONDED** the motion.

There was discussion related to the process placing an item before the Planning and Zoning Commission for recommendation to the Council; and actions by the Council without the recommendation.

VOTE ON THE MOTION TO POSTPONE:

YEA: Winger, Glendening, Sounart

NAY: Pettey, Knackstedt, Gabriel, Baisden

**Student Representative Thibodeau: NAY

MOTION TO POSTPONE FAILED.

MOTION:

Council Member Glendening **MOVED** to re-refer Ordinance No. 3287-2022 to the Planning and Zoning Commission for a public hearing at the May 25, 2022 Planning and Zoning Commission Meeting. Council Member Winger **SECONDED** the motion.

There was discussion regarding possible litigation slowing the process down if Council took action prior to receiving a recommendation from the Planning and Zoning Commission.

VOTE ON THE MOTION TO RE-REFER:

YEA: Winger, Glendening, Sounart

NAY: Knackstedt, Gabriel, Baisden, Pettey

**Student Representative Thibodeau: NAY

MOTION TO RE-REFER FAILED.

[Clerks' Note: Legal advice was provided to Council regarding receiving an recommendation from the Planning and Zoning Commission.]

MOTION:

Council Member Baisden **MOVED** to reconsider the motion to postpone. Council Member Winger **SECONDED** the motion.

VOTE ON THE MOTION TO RECONSIDER:

YEA: Gabriel, Baisden, Glendening, Sounart, Winger

NAY: Knackstedt, Pettey

**Student Representative Thibodeau: NAY

MOTION TO RECONSIDER PASSED.

VOTE ON THE RECONSIDERED MOTION TO POSTPONE:

YEA: Gabriel, Baisden, Glendening, Sounart, Winger

NAY: Pettey, Knackstedt

**Student Representative Thibodeau: NAY

MOTION TO POSTPONE PASSED.

- 3. Ordinance No. 3288-2022** – Accepting and Appropriating a Scholarship from the Alaska Association of Municipal Clerks for Employee Travel and Training. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3288-2022. Council Member Winger **SECONDED** the motion.

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

It was reported that this would allow the City to accept the reimbursable funds for the Deputy Clerk to attend the Northwest Clerks Institute.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

- 4. Resolution No. 2022-29** – Authorizing an Agreement for Professional Engineering Services to Provide Construction Documents for the Waste Water Treatment Plant Digester Blower Replacement Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-29. Vice Mayor Glendening **SECONDED** the motion.

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

It was reported that the current Digester Blowers were well beyond their useful life.

UNANIMOUS CONSENT was requested.

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

- 5. Resolution No. 2022-30** – Authorizing A Budget Transfer in the General Fund, Non-Departmental, Department to Provide Supplemental Funding to the Communications Tower Condition Assessment and Capacity Study Project. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-30. Council Member Baisden **SECONDED** the motion.

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

It was reported that this project was included in the budget; when the original request for quotes went out, none were received; when asked contractors indicated the City's estimate was insufficient.

UNANIMOUS CONSENT was requested.

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

- 6. Resolution No. 2022-31** – Authorizing an Agreement for Professional Engineering Services to Conduct a Rate Study for the Water, Sewer Wastewater Utility. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-31. Council Member Winger **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

- 7. Resolution No. 2022-32** – Amending the Employee Classification Plan by Reclassifying the Public Works Wastewater Treatment Plant Foreman and the Water and Sewer Foreman Positions Under the Foreman Classification and Adjusting the Range for this Class. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-32. Council Member Winger **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

- 8. Resolution No. 2022-33** – Approving the Vacation of a 60' Wide Right of Way and Associated Utility Easements in Jaynes Subdivision, Big Mike's Addition, as Granted by Plat K-2015-99, and Bridge Road Subdivision 2019 Replat as Granted by Plat K-2020-15, Located Within Section 4, Township 5 North, Range 11 West, Seward Meridian, Alaska, and Determining the Right of Way and Utility Easements are Not Needed for a Public Purpose. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-33. Council Member Glendening **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

- 9. Resolution No. 2022-34** – Adopting the Updated 2022 Kenai Peninsula Community Wildfire Protection Plan. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-34. Council Member Glendening **SECONDED** the motion.

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

There was discussion regarding the importance of addressing wildfire mitigation and the benefits of a slash disposal site.

UNANIMOUS CONSENT was requested.

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

10. Resolution No. 2022-35 – Authorizing a Budget Transfer in the Airport Fund, Administration Department for the Payment of Concession Relief Payments to Terminal Concessionaires from Grant Funds Received through the Coronavirus Response and Relief Supplemental Appropriation Act, 2021. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-35. Council Member Glendening **SECONDED** the motion.

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

There was discussion regarding the funds being meant for the Airport; the appropriation was needed; and would be dispensed based on contributions.

UNANIMOUS CONSENT was requested.

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

11. Resolution No. 2022-36 – Authorizing a Budget Transfer in the General Fund, Shop Department for Costs in Excess of Budgeted Amounts. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-36. Council Member Winger **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Regular Meeting of May 4, 2022. (City Clerk)

F. UNFINISHED BUSINESS – None.

G. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Action/Approval** – Purchase Orders Over \$15,000. (Administration)

Approved by the consent agenda.

3. ***Action/ Approval** – Non-Objection to Liquor License Renewals for Kenai Elks Lodge #2425. (City Clerk)

Approved by the consent agenda.

4. ***Ordinance No. 3289-2022** – Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2022 and Ending June 30, 2023 and Committing \$3,986,107 of General Fund, Fund Balance for Future Capital Improvements. (Administration)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

5. ***Ordinance No. 3290-2022** – Authorizing the Return of Funds Remaining from Completed or Canceled Capital Projects to the General, Airport Special Revenue and Water and Sewer Special Revenue Funds. (Administration)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

6. ***Ordinance No. 3291-2022** – Accepting and Appropriating Private Donations to the Kenai Community Library for the Purchase of Programming Equipment and Library Materials. (Administration)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

7. ***Ordinance No. 3292-2022** – Increasing Estimated Revenues and Appropriations in the General Fund and Public Safety Capital Project Fund to Provide Supplemental Funding for the Fire Department Flooring Replacement Project. (Administration)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

8. ***Ordinance No. 3293-2022** – Amending the Appendices to the Kenai Municipal Code to Delete Cemetery Regulations, Amending Title 24-Municipal Cemetery, to Include Certain Portions of the Appended Cemetery Regulations and Make Other Housekeeping Changes and Adopting a Kenai Municipal Cemetery Regulations Policy. (City Clerk)

Introduced by the consent agenda and Public Hearing set for June 1, 2022.

9. **Action/Approval** – Special Use Permit to Pacific Star Seafoods, Inc. for 15,000 square feet of Apron for Aircraft Parking & Loading from June 1, 2022-July 31, 2022. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the Special Use Permit to Pacific Star Seafoods, Inc. Council Member Glendening **SECONDED** the motion.

It was clarified that this would be similar to the activities Pacific Star Seafoods, Inc. did in 2021.

UNANIMOUS CONSENT was requested.

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

10. **Action/Approval** – Second Amendment to Agreement for Janitorial Services with Reborn Again Janitorial Services. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the second amendment to the Reborn Again Janitorial Service Agreement. Council Member Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

11. Action/Approval – Confirmation of Mayoral Nominations for Appointment to the Council on Aging and Mini Grant Steering Committee.

MOTION:

Council Member Knackstedt **MOVED** to confirm the Mayoral Nominees for Appointment. Council Member Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

12. Discussion – Scheduling a Board of Adjustment Appeal Hearing. (City Clerk)

A Board of Adjustment Appeal Hearing was scheduled for June 20, 2022 at 5:00 p.m.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

Council Member Knackstedt reported on the May 12, 2022 meeting; next meeting June 9, 2022.

2. Airport Commission

Council Member Baisden reported on the May 12, 2022 meeting; next meeting June 9, 2022.

3. Harbor Commission

Council Member Pettey reported no quorum at the May 9, 2022 meeting; next meeting June 6, 2022.

4. Parks and Recreation Commission

Next meeting June 2, 2022.

5. Planning and Zoning Commission

Vice Mayor Glendening reported on the May 11, 2022 meeting; next meeting May 25, 2022.

6. Beautification Committee

Council Member Sounart reported on the May 10, 2022 Work Session; next meeting May 19, 2022 – Special meeting.

7. Mini-Grant Steering Committee

No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Alaska Bycatch Review Task Force meeting; and an upcoming subcommittee meeting.
- Participated with the third-grade field trip for the Johnson Lake fish release.
- Reminded everyone to keep an eye on the State of Alaska House budget.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:

- Thanked the Council for approving Resolution 2022-34; provided an update regarding additional funding for spruce bark beetle mitigation and possible required matching funds.
- Meeting with Senator Sullivan to discuss the Bluff Erosion project and funding sources if the project is removed from the State budget.
- Continued work on the NFIP Program and the needed amendments to code.

2. City Attorney – City Attorney Bloom – No report.

3. City Clerk – City Clerk Saner reported on the following:

- Clarified that there was no previous action of the Council to establish a sunset date for remote meeting participation.

K. ADDITIONAL PUBLIC COMMENTS

1. Citizen Comments (*Public comments limited to (5) minutes per speaker*)

Marion Nelson reported the board had selected officers and provided an update regarding the next show.

2. Council Comments

Council Member Petty thanked everyone who commented on behalf of the Boys and Girls Club and the people who volunteered to serve on commissions. She reported on her meeting with Senator Sullivan and their conversation regarding rank choice voting.

Student Representative Thibodeau that it was the last day of school; his participating playing in the band during the graduation ceremony; and provided a sports update.

Council Member Sounart thanked everyone who commented on behalf of the Boys and Girls Club; noted she was also able to meet with Senator Sullivan.

Vice Mayor Glendening stated it was good to be home and that he was looking forward to the Employee Appreciation Event.

Council Member Winger thanked everyone who had participated in the meeting; noted her appreciation for the budget process and the budget work session; congratulated all of the graduates.

Council Member Baisden congratulated the Kenai Central High School Class of 2022.

Mayor Gabriel reminded everyone about the upcoming Memorial events in our community.

L. EXECUTIVE SESSION – None.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

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

There being no further business before the Council, the meeting was adjourned at 10:59 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of May 18, 2022.

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

**KENAI CITY COUNCIL – REGULAR MEETING
June 1, 2022 – 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 June 1, 2022, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor
Teea Winger
Glenese Pettey
Henry Knackstedt

James Baisden
Deborah Sounart
Jim Glendening, Vice Mayor

A quorum was present.

Also in attendance were:

**Silas Thibodeau, Student Representative
Paul Ostrander, City Manager
Scott Bloom, City Attorney
Terry Eubanks, Finance Director
Tony Prior, Fire Chief
Dave Ross, Police Chief
Scott Curtin, Public Works Director
Kathy Romain, Senior Services Director
Brad Walker, Parks and Recreation Director
Eland Conway, Airport Manager
Randi Broyles, Assistant to City Manager
Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- Add item D.1. **Public Hearing – Ordinance No. 3289-2022**
- Amendment Memo

MOTION:

Council Member Knackstedt **MOVED** to approve the agenda with the requested revisions; requested to suspend the rules to hear Unfinished Business, Ordinance 3287-2022 prior to Public Hearings; and requested **UNANIMOUS CONSENT**. Council Member Baisden **SECONDED** the motion.

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

4. Consent Agenda

MOTION:

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

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

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

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 PUBLIC COMMENTS – None.

C. UNSCHEDULED PUBLIC COMMENTS – None.

[Clerk's Note: At the setting of the Agenda, the motion to suspend the rules to hear Unfinished Business, Ordinance 3287-2022 prior to Public Hearings was approved by unanimous consent.]

F. UNFINISHED BUSINESS

1. **Ordinance No. 3287-2022** – Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 04701018) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. (Mayor Gabriel and Council Member Baisden)

[Clerk's Note: The motion to enact was on the floor from the May 18, 2022 Regular City Council Meeting.]

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

There was discussion regarding potential buyers for the property; fair process for all interested parties when donating City owned property; donating property without knowledge of the property value; concerns raised by neighboring property owners related to a buffer/green strip area; the sudden interest in this particular piece of property; and the conditions that must be met by the Boys and Girls Club with the donation of the property.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance 3287-2022 by inserting a new Whereas Clause to read, "the Planning and Zoning Commission recommended approval of the conditional land donation at their meeting on May 25, 2022; and,". Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

VOTE ON MAIN MOTION AS AMENDED:

YEA: Knackstedt, Gabriel, Baisden, Sounart, Pettet

NAY: Winger, Glendening

**Student Representative Thibodeau: YEA

MAIN MOTION AS AMENDED PASSED.**D. PUBLIC HEARINGS**

- 1. Ordinance No. 3289-2022** – Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2022 and Ending June 30, 2023 and Committing \$3,986,107 of General Fund, Fund Balance for Future Capital Improvements. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3289-2022. Council Member Baisden **SECONDED** the motion.

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

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance 3289-2022, to reduce General Fund expenditures by \$50,000 because of additional funding pledged by the Kenai Senior Connection, Inc. for Senior Center operations in FY2023. Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

MOTION TO AMEND:

Council Member Baisden **MOVED** to amend Ordinance 3289-2022, to provide funding to increase the Accountant position in the Finance Department to a Controller position by increasing General Fund expenditures by \$18,436. Council Member Winger **SECONDED** the motion.

Clarification was provided that if approved the job description would be updated through a resolution and the position would be directly under the Finance Director.

UNANIMOUS CONSENT was requested on the motion to amend.

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

MOTION TO AMEND:

Council Member Winger **MOVED** to amend Ordinance 3289-2022, to add one additional operator position by increasing expenditures by \$109,786, decreasing Personal Use Fisheries Special Revenue Fund Expenditures by \$441, and increasing Employee Health Care Internal Service Fund expenditures by \$42,840. Council Member Glendening **SECONDED** the motion.

There was discussion regarding one operator position being removed in FY2022, this amendment would reestablish that one operator position; the number of calls received due to the challenges for vehicles during the last winters weather conditions; the benefits of adding the position back with the additional new truck; inclusion of additional overtime funding allowing staff time for severe weather conditions; and the ability to add the position back in FY2024 if another winter like the last one happens in 2023.

VOTE ON MOTION TO AMEND:

YEA: Glendening, Winger

NAY: Knackstedt, Gabriel, Baisden, Sounart, Pettey

**Student Representative Thibodeau: NAY

MOTION TO AMEND FAILED TO PASS.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend Ordinance 3289-2022, Section 3 to replace \$3,986,107 with \$4,032,601 as a result of the prior amendments; and amend Section 2, to update the Total of All funds to \$36,075,427. Council Member Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

There was clarification provided on each revision to the Classification Plan included within the FY2023 Budget; and discussion related to the salary schedule and how the employees of the Council were identified within it.

VOTE MAIN MOTION AS AMENDED:

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

NAY: None

**Student Representative Thibodeau: YEA

MAIN MOTION AS AMENDED PASSED.

MOTION TO SUSPEND THE RULES:

Council Member Glendening **MOVED** to suspend the rules to conduct the public hearing on Resolution No. 2022-45 prior to the public hearing on Ordinance No. 3290-2022. Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to suspend the rules.

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

- 14. Resolution No. 2022-45** – Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns.
(Council Members Sounart and Pettey)

MOTION:

Council Member Pettey **MOVED** to adopt Resolution No. 2022-45. Council Member Sounart **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Queen Parker and Sybil Currey read sections of the State of Alaska Constitution and Statutes, emphasizing the importance of protecting the existing laws and the authority of grand juries as well as the need for new laws ensuring the grand juries have the right to conduct investigations.

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

There was discussion regarding the importance not only judging the crime, but also judging the laws; supporting laws to ensure the rights of our grand juries; the importance of the grand jury as it is the judicial arm closest to the people and should be accessible to the people; and the resolution would encourage the State and Federal governments to review the laws.

UNANIMOUS CONSENT was requested.

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

- 2. Ordinance No. 3290-2022** – Authorizing the Return of Funds Remaining from Completed or Canceled Capital Projects to the General, Airport Special Revenue and Water and Sewer Special Revenue Funds. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3290-2022. Council Member Baisden **SECONDED** the motion.

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

It was reported that this would take Capital Project Funds that are no longer needed for projects that were complete and return them to the originating fund.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

3. **Ordinance No. 3291-2022** – Accepting and Appropriating Private Donations to the Kenai Community Library for the Purchase of Programming Equipment and Library Materials. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3291-2022. Council Member Pettey **SECONDED** the motion.

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

It was reported that this would appropriate donated funds.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

4. **Ordinance No. 3292-2022** – Increasing Estimated Revenues and Appropriations in the General Fund and Public Safety Capital Project Fund to Provide Supplemental Funding for the Fire Department Flooring Replacement Project. (Administration)

MOTION:

Council Member Baisden **MOVED** to enact Ordinance No. 3292-2022. Council Member Winger **SECONDED** the motion.

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

It was reported that this would replace existing carpet in the living area with tile and also included asbestos abatement.

VOTE:

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

NAY: None

**Student Representative Thibodeau: YEA

MOTION PASSED.

5. **Ordinance No. 3293-2022** – Amending the Appendices to the Kenai Municipal Code to Delete Cemetery Regulations, Amending Title 24-Municipal Cemetery, to Include Certain Portions of the Appended Cemetery Regulations and Make Other Housekeeping Changes and Adopting a Kenai Municipal Cemetery Regulations Policy. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3293-2022. Council Member Sounart **SECONDED** the motion.

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

MOTION TO POSTPONE:

Council Member Winger **MOVED** to postpone Ordinance No. 3293-2022 to June 15, 2022. Council Member Baisden **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to postpone.

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

[Clerk's Note: Student Representative Thibodeau left the meeting at 8:20 p.m.]

6. **Resolution No. 2022-37** – Removing the Moratorium on the Purchase of Standard Cemetery Plots for the Sole Purpose of Reserving a Cemetery Plot Not Being Used for Immediate Internment. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-37. Council Member Winger **SECONDED** the motion.

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

MOTION TO POSTPONE:

Council Member Winger **MOVED** to postpone Resolution No. 2022-37 to June 15, 2022. Council Member Glendening **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to postpone.

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

7. **Resolution No. 2022-38** – Fixing the Rate of Levy of Property Tax for the Fiscal Year Commencing July 1, 2022 and Ending June 30, 2023. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-38. Council Member Pettey **SECONDED** the motion.

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

MOTION TO AMEND:

Council Member Baisden **MOVED** to amend Resolution No. 2022-38 by changing the mill rate from 4.35 mills to 4.25 mills throughout the resolution. Council Member Winger **SECONDED** the motion.

There was discussion regarding the benefits to the tax payers with a .10 mill reduction; the current rate of inflation; how a reduction would impact the fund balance policy; and the possibility of lowering the mill in FY2023.

VOTE:

YEA: Winger, Baisden

NAY: Pettey, Knackstedt, Gabriel, Glendening, Sounart

MOTION PASSED.

- 8. Resolution No. 2022-39** – Amending the Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes Included in the FY2023 Budget to Include Adjusting Airport Fees, Animal Control Fees, Fire Department Ambulance Fees, Library Fees, Parks and Recreation Fees, City Dock Fees, Water Fees, Sewer Fees, Senior Center Fees, and Adjusting the Monthly Rental Rates at Vintage Pointe. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-39. Council Member Pettey **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

- 9. Resolution No. 2022-40** – Approving the Divestment of the City's Interest in the Deeded Thirty-Foot Public Use Easement Lying Along the North Boundary Of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian, Alaska, and Determining The Easement Is Not Needed For A Public Purpose. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-40. Council Member Pettey **SECONDED** the motion.

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

It was reported that the public easement was no longer needed for the Dipnet Fishery.

UNANIMOUS CONSENT was requested.

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

- 10. Resolution No. 2022-41** – Authorizing Renewal of the City's Insurance Coverage with Alaska Municipal League Joint Insurance Association for July 1, 2022 Through June 30, 2023. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-41. Council Member Pettey **SECONDED** the motion.

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

It was reported that if the increase to the amount was more than ten-percent the City could opt out; however, the increase was less than ten-percent.

UNANIMOUS CONSENT was requested.

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

11. Resolution No. 2022-42 – Authorizing Contracts for Employee Health Care and Other Benefits Effective July 1, 2022. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-42. Council Member Baisden **SECONDED** the motion.

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

There was discussion regarding health care rates; renewal for employee coverage came in at a four-percent increase, which was significant; however, one of the better years.

UNANIMOUS CONSENT was requested.

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

12. Resolution No. 2022-43 – Authorizing the City Manager to Enter into a Memorandum of Agreement with the State of Alaska Department of Natural Resources, Division of Forestry to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-43. Council Member Glendening **SECONDED** the motion.

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

There was discussion regarding the importance of private property owners making sure their property was fire wise; the site opening date of June 2, 2022; if the rounds would be available for members of the public to use for heating; additional funding for the site from the State and Kenai Peninsula Borough due to the use by non-City residents; and planned mitigation on City owned lands.

UNANIMOUS CONSENT was requested.

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

13. Resolution No. 2022-44 – Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Swanson Properties, LLC on Lot 6, Block 5, General Aviation Subdivision No. 1 Amended. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2022-44. Council Member Baisden **SECONDED** the motion.

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

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Budget Work Session of May 14, 2022. (City Clerk)

G. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Ordinance No. 3294-2022** – Accepting and Appropriating Funding from the State of Alaska Department of Natural Resources, Division of Forestry, to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)

Introduced by the consent agenda and Public Hearing set for June 15, 2022.

3. **Action/Approval** – Executing an Amendment to the Facility Management Agreement with Kenai Chamber of Commerce and Visitor Center, Inc. to Extend the Current Agreement to June 30, 2023. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve the Amendment to the Facility Management Agreement with Kenai Chamber of Commerce. Council Member Winger **SECONDED** the motion.

It was reported that this is the first extension and the agreement allows for two.

UNANIMOUS CONSENT was requested.

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

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

MOTION:

Council Member Knackstedt **MOVED** to approve the Official Bonding Amounts. Council Member Glendening **SECONDED** the motion.

It was reported that Kenai Municipal Charter requires that the City Council establish bonding amounts for the three positions; the City's general liability provides \$500,000; with approval the combined coverage overall would be \$600,000.

UNANIMOUS CONSENT was requested.

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

5. **Discussion** – Scheduling a Board of Adjustment Appeal Hearing. (City Clerk)

A Board of Adjustment Appeal Hearing was scheduled for June 20, 2022 at 7:00 p.m.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report; next meeting June 9, 2022.

2. Airport Commission

No report; next meeting June 9, 2022.

3. Harbor Commission

No report; next meeting June 6, 2022.

4. Parks and Recreation Commission

No report; next meeting June 2, 2022.

5. Planning and Zoning Commission

Vice Mayor Glendening reported on the May 25, 2022 meeting; next meeting June 8, 2022.

6. Beautification Committee

Council Member Sounart reported on the May 19, 2022 special meeting; September 13, 2022.

7. Mini-Grant Steering Committee

No report.

I. REPORT OF THE MAYOR

Mayor Gabriel thanked Vice Mayor Glendening for speaking at the Memorial Day Service, thanked those who serve and reported on the following:

- Awareness of conversation between a Council Member and a contractor; and inquired to see if the Council wanted to develop a process for the public to voice complaints to be heard by the Council.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager Ostrander reported on the following:

- Noted the significance of the increased amount committed from Kenai Senior Connections.
- Kenai Peninsula Borough, General Obligation Bond package included \$500,000 for the restrooms at Kenai Central High School.
- Meeting with Senator Murkowski's staff regarding funding opportunities for the needs of the Waste Water Treatment Plant.

2. City Attorney – City Attorney Bloom reported on the following:

- Complaints regarding problem properties within the City; and thanking the Parks and Recreation Director for working with the owner of the property to get it cleaned up.

3. City Clerk – City Clerk Saner reported on the following:

- Attendance at the International Institute of Municipal Clerks Annual Conference in Little Rock, AR.
- Absentee voting hours for the State of Alaska, Special Primary Election. Monday – Friday, 9:00 a.m. – 4:00 p.m.

K. ADDITIONAL PUBLIC COMMENTS

1. Citizen Comments (*Public comments limited to (5) minutes per speaker*)

Marion Nelson addressed the Council regarding the Thor Evenson show, with a reception on June 2, 2022; a meeting with the Executive Committee of the Kenai Art Center with the Executive Director of the Kenai Peninsula Economic Development District, Tim Dillon to discuss funding opportunities.

2. Council Comments

Council Member Petty thanked staff for the budget process and recognized the work involved; and noted her appreciation for the KCH bathroom project being included in the GO Bond.

Council Member Sounart thanked staff for the budget process.

Council Member Winger gave her condolences to the families in Texas, noting current times and the ALICE training provided to our children; reminded everyone to fire wise their property; and reported on a conversation with Representative Gilham regarding ranked choice voting.

Vice Mayor Glendening stated his support for our veterans; reported on his participation during the Memorial Day Services; and reflected on the service and loss of his family members who have served.

Council Member Baisden thanked Vice Mayor Glendening for reminding everyone what Memorial Day really meant; and thanked staff for the budget process.

Council Member Knackstedt thanked staff for the budget process.

Mayor Gabriel thanked the Administration for bringing forward a budget that reflected the budget goals adopted by the Council.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS**

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

There being no further business before the Council, the meeting was adjourned at 10:16 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of June 1, 2022.

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.*



Sponsored by: City Clerk

**CITY OF KENAI
ORDINANCE NO. 3293-2022**

AN ORDINANCE AMENDING THE APPENDICES TO THE KENAI MUNICIPAL CODE TO DELETE CEMETERY REGULATIONS, AMENDING TITLE 24-MUNICIPAL CEMETERY, TO INCLUDE CERTAIN PORTIONS OF THE APPENDED CEMETERY REGULATIONS AND MAKE OTHER HOUSEKEEPING CHANGES AND ADOPTING A KENAI MUNICIPAL CEMETERY REGULATIONS POLICY.

WHEREAS, the City took over ownership and management of the original cemetery in 1985; and,

WHEREAS, the original section of the Kenai Municipal Cemetery (cemetery) is now ninety seven percent occupied/reserved; and,

WHEREAS, a new section of the cemetery was recently established to the west of the original cemetery; and,

WHEREAS, there are currently two separate parts of Kenai Municipal Code establishing laws and regulations for the cemetery; and,

WHEREAS, locating applicable laws for the cemetery in one municipal code title provides clarity for the public and administration; and,

WHEREAS, it is in the best interest of the City to adopt regulations through policy that are designed to effectively manage the cemetery on a long-term basis, strategically aligning with the City's overall goals; and,

WHEREAS, the policy is intended to be more user friendly and available for the public than municipal code; and,

WHEREAS, the City of Kenai Parks and Recreation Commission at their May 5, 2022 regular meeting recommended Council Approval of the Kenai Municipal Cemetery Regulations Policy.

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

Section 1. Deletion of Appended Cemetery Regulations of Kenai Municipal Code: That Kenai Municipal Code, Appendices, Cemetery Regulations is hereby deleted in its entirety as follows:

[CEMETERY REGULATIONS

* NOTE TO CEMETERY REGULATIONS: PURSUANT TO TITLE 24 OF THE KENAI MUNICIPAL CODE, THE FOLLOWING REGULATIONS ARE HEREBY PROMULGATED TO ENSURE THE CONTINUATION OF THE INTEGRITY OF THE KENAI MUNICIPAL CEMETERY AND THE PROTECTION OF THE HEALTH AND WELFARE OF THE COMMUNITY.

SECTION 1: PLOTS

- A. PLOTS SHALL BE PLATTED IN THOSE AREAS OF THE CEMETERY WHERE INTERMENTS HAVE NOT AS YET TAKEN PLACE IN FIVE-FOOT (5') BY TEN-FOOT (10') PLOTS, TWO-AND-ONE-HALF-FOOT (2-1/2') BY FIVE-FOOT (5') PLOTS FOR INFANTS, AND TWO FEET (2') BY TWO FEET (2') BY TWO FEET (2') FOR CREMAINS.

- B. THE CITY CLERK SHALL BE IN CHARGE AND HAVE ACCESS TO SAID PLATS FOR THE PURPOSE OF ASSIGNING PLOTS UPON REQUEST, AND HAVE CHARGE OF BURIAL RECORDS, FILES AND MAPS WHICH SHALL BE STORED BY THE CITY OF KENAI. THE CITY CLERK SHALL CHARGE A FEE FOR EACH PLOT, DEPENDING UPON THE SIZE OF THE PLOT (ADULT OR INFANT OR CREMAINS) AND THE SEASON DURING WHICH THE OPENING AND CLOSING OF THE GRAVE OCCURS. ALL FEES SHALL BE AS SET FORTH IN THE CITY'S SCHEDULE OF FEES ADOPTED BY THE CITY COUNCIL. PAYMENT IN FULL FOR THE PLOT IS REQUIRED AT THE TIME OF PURCHASE OF THE PLOT. PAYMENT FOR THE OPENING OR CLOSING OF THE GRAVE IS DUE PRIOR TO COMMENCEMENT OF WORK.
- C. THE PURCHASE OF A BURIAL PLOT, CREMAINS PLOT, OR COLUMBARIUM NICHE IN THE KENAI MUNICIPAL CEMETERY SHALL BE MADE THROUGH THE CITY CLERK'S OFFICE. THE PURCHASER WILL BE ASSIGNED A PLOT(S) OR NICHE(S) AFTER HAVING PAID THE APPROPRIATE FEE. IT IS PROHIBITED FOR THE PURCHASER OF SAID PLOT(S) OR NICHE(S) TO RE-SELL OR RE-ASSIGN EXCEPT TO THE CITY. ALL PAYMENTS FOR BURIAL PLOTS, CREMAINS PLOTS, OR COLUMBARIUM NICHES SHALL BE MADE DIRECTLY TO THE CITY OF KENAI. THE FEES FOR SUCH PURCHASE SHALL BE ESTABLISHED AND MAINTAINED IN THE CITY CLERK'S SCHEDULE OF RATES, CHARGES, AND FEES.

SECTION 2: INTERMENT AND DISINTERMENT OR NICHE OPENING AND CLOSING

- A. THE CITY CLERK SHALL BE PROVIDED WITH THE APPROPRIATE STATE BURIAL AND TRANSIT PERMITS BEFORE INTERMENT OR INURNMENT WILL BE PERMITTED. THE BURIAL PLOTS CAN BE USED FOR NO OTHER PURPOSE THAN INTERMENT AND CREMAINS PLOTS OR COLUMBARIUM NICHES CAN BE USED FOR NO OTHER PURPOSE BUT INURNMENT.
- B. INTERMENT OR DISINTERMENT SHALL BE MADE IN COMPLIANCE WITH ALL STATE AND CITY LAWS AND REGULATIONS.
- C. PRIOR TO INTERMENT OR INURNMENT A MARKER OR HEADSTONE DEPOSIT IS REQUIRED. SUCH DEPOSIT SHALL BE ESTABLISHED AND MAINTAINED IN THE CITY'S SCHEDULE OF RATES, CHARGES, AND FEES, AND MUST BE PAID TO THE CITY OF KENAI. DEPOSIT REFUNDS WILL BE ISSUED AFTER PROPER INSTALLATION OF MARKER OR HEADSTONE. IF AFTER EIGHTEEN (18) MONTHS (PLOTS) AND SIX (6) MONTHS (COLUMBARIUM'S) A PERMANENT MARKER OR HEADSTONE HAS NOT BEEN INSTALLED, THE CITY SHALL INSTALL A MARKER OR FLAT HEADSTONE UTILIZING THE DEPOSIT AS PAYMENT.
- D. MARKERS AND HEADSTONES FOR CEMETERY PLOTS MAY BE SET IN A CONCRETE BASE AND INSTALLED AT THE HEAD OF THE GRAVE, CENTERED AND INSIDE THE PLOT AREA. THE PARKS AND RECREATION DIRECTOR MUST BE NOTIFIED PRIOR TO ANY PLOT PREPARATION, CONSTRUCTION, OR PLACEMENT OF HEADSTONE OR MARKER. IF RELIGIOUS PRACTICES MAKE THE CONFORMANCE OF THIS REQUIREMENT IMPOSSIBLE, THE OLD SECTION OF THE CEMETERY MAY BE UTILIZED. THIS DECISION WILL BE AT THE DISCRETION OF THE PARKS AND RECREATION DIRECTOR OR DESIGNEE.
- E. ALL NICHE OPENINGS AND CLOSINGS SHALL BE OVERSEEN BY THE PARKS AND RECREATION DEPARTMENT. A NICHE MAY BE OPENED ONLY AT THE REQUEST OF THE NICHE OWNER AS LISTED IN THE CEMETERY RECORDS OR AS DETERMINED BY THE CITY CLERK. THE INITIAL OPENING AND CLOSING (INURNMENT) OF THE NICHE IS INCLUDED IN THE ORIGINAL COST OF THE NICHE. ADDITIONAL OPENINGS AND CLOSINGS THEREAFTER ARE CHARGED AT A RATE PURSUANT TO THE CITY'S FEE STRUCTURE. MARKERS FOR COLUMBARIUM NICHES SHALL FOLLOW A STANDARD FORMAT, FONT, AND SIZE AS DETERMINED BY THE CITY AND SHALL INCLUDE THE FIRST AND LAST NAME OF THE DECEASED, YEAR OF BIRTH, AND YEAR OF DEATH.
- F. ONLY INTERMENT OR INURNMENT OF HUMAN REMAINS IS PERMITTED IN THE KENAI MUNICIPAL CEMETERY.
- G. NO MORE THAN ONE (1) GRAVE MARKER PER PLOT SHALL BE ALLOWED.

- H. ONE (1) CASKET AND UP TO TWO (2) CREMAINS MAY BE BURIED IN A STANDARD OR INFANT PLOT. UP TO THREE (3) CREMAINS MAY BE BURIED IN A STANDARD OR INFANT PLOT. ONLY ONE (1) CREMAIN MAY BE BURIED IN A CREMAIN PLOT. UP TO TWO (2) CREMAINS MAY BE INURNED IN A STANDARD NICHE.

SECTION 3: MAINTENANCE

- A. THE CITY OF KENAI SHALL TAKE REASONABLE PRECAUTION TO PROTECT ALL GRAVE MARKERS WITHIN THE KENAI MUNICIPAL CEMETERY FROM LOSS OR DAMAGE BUT EXPRESSLY DISCLAIMS ANY RESPONSIBILITY FOR LOSS OR DAMAGE FROM CAUSES BEYOND SUCH REASONABLE PRECAUTIONS. DAMAGES INCURRED DIRECTLY OR COLLATERALLY AND CAUSED BY OR RESULTING FROM THIEVES, VANDALS, MALICIOUS MISCHIEF, OR UNAVOIDABLE ACCIDENTS SHALL BE EXCLUDED FROM THE CITY OF KENAI'S RESPONSIBILITIES.
- B. PLANTING OF TREES, SHRUBBERY, PLANTS OR TURF WITHIN THE KENAI MUNICIPAL CEMETERY SHALL BE WITH THE CONSENT OF THE PARKS AND RECREATION DIRECTOR OR DESIGNATED REPRESENTATIVE. FAILURE TO GET PRIOR AUTHORIZATION MAY RESULT IN REMOVAL OF PLANT MATERIAL. THE CITY WILL MAINTAIN THE DRIVEWAY IN WINTER AND CLEAR THE PATH TO THE GRAVE IF A FUNERAL IS SCHEDULED. THE CITY OF KENAI SHALL PROVIDE GRASS CUTTING AT REASONABLE INTERVALS, AS WELL AS RAKING, CLEANING, GRADING AND LANDSCAPING. SUGGESTED HEIGHT OF TREES IS NO MORE THAN EIGHT FEET (8').
- C. ENCLOSURES SUCH AS A PICKET FENCE OR A PERIMETER SHALL BE PERMITTED AROUND OR ABOUT ANY GRAVE OR BURIAL PLOT ONLY UPON EXPRESSED AUTHORIZATION OF THE PARKS AND RECREATION DIRECTOR OR DESIGNEE. ENCLOSURES PLACED BEFORE AUTHORIZATION IS GRANTED ARE SUBJECT TO REMOVAL. ENCLOSURES NOT MAINTAINED OR THAT CREATE A SAFETY HAZARD MAY BE REMOVED AND DISCARDED WITHOUT PRIOR NOTICE AT THE DISCRETION OF THE PARKS AND RECREATION DIRECTOR OR DESIGNEE.
- D. BOXES, SHELVES, TOYS AND OTHER SUCH ARTICLES UPON A GRAVE OR BURIAL LOT SHALL BE PERMITTED ONLY IF CONTAINED WITHIN THE PLOT AND MAINTAINED MONTHLY (APRIL 1 THROUGH SEPTEMBER 30). ARTICLES THAT ARE NOT MAINTAINED, IMPEDE MAINTENANCE EFFORTS, OR BECOME UNSIGHTLY WILL BE REMOVED AND DISCARDED WITHOUT PRIOR NOTICE AT THE DISCRETION OF THE PARKS AND RECREATION DIRECTOR OR DESIGNEE.
- E. PLASTIC OR SILK FLOWERS AND ARTIFICIAL DECORATIONS ARE ONLY PERMITTED BETWEEN MAY 1 AND SEPTEMBER 30. BURIALS OCCURRING BETWEEN OCTOBER 1 AND APRIL 30 MAY HAVE DECORATIONS DISPLAYED BUT ARE SUBJECT TO REMOVAL THIRTY (30) DAYS AFTER BURIAL.
- F. ALL DECORATIONS (EXCEPT THOSE ON BURIALS LESS THAN THIRTY (30) DAYS) WILL BE REMOVED DURING A SELECTED SATURDAY IN THE MONTH OF MAY EACH YEAR DURING THE ANNUAL CEMETERY CLEAN UP. A TWENTY (20) DAY NOTICE WILL BE POSTED AT THE CEMETERY. FAMILY AND FRIENDS MAY EITHER REMOVE THEIR PROPERLY PLACED DECORATIONS BEFORE SATURDAY'S CLEAN UP AND REPLACE THEM LATER, OR REQUEST THE CEMETERY NOT TO REMOVE THEIR PROPERLY PLACED DECORATIONS BY CALLING OR WRITING THE PARKS AND RECREATION DIRECTOR. A FINAL CLEAN UP OF THE CEMETERY WILL ALSO OCCUR IN LATE SEPTEMBER.
- G. DECORATIONS SHALL NOT BE PLACED IN OR ATTACHED TO TREES, SHRUBS, OR FENCE. PLANTS, FLOWERS, DECORATIONS, OR ARTICLES NOT OTHERWISE REMOVED BY THE DEADLINES OR REGULATIONS SET FORTH HEREIN, OR HAVE BECOME WITHERED OR DISCOLORED, WILL BE REMOVED BY THE PARKS AND RECREATION DIRECTOR OR DESIGNEE WITHOUT PRIOR NOTICE. THE CEMETERY IS NOT RESPONSIBLE FOR DAMAGE OR LIABLE FOR THE RETURN OF SUCH ITEMS.
- H. NO MATERIAL SHALL BE ALLOWED TO REMAIN IN THE KENAI MUNICIPAL CEMETERY LONGER THAN IS REASONABLY NECESSARY FOR ANY CONSTRUCTION WORK. DURING PERIODS OF BREAK-UP, NO HEAVY HAULING WILL BE PERMITTED. WITHIN ONE (1) YEAR OF INTERMENT, GRAVES SHALL BE RESTORED TO GROUND LEVEL AND RE-SEEDED.

- I. A MORTUARY CONDUCTING A FUNERAL SERVICE MAY PROVIDE, PLACE, AND REMOVE GREENS, DECORATIONS OR SEATING USED FOR A BURIAL AND MUST PROVIDE NECESSARY LOWERING DEVICES.

SECTION 4: GENERAL

- A. THE CITY OF KENAI SHALL NOT BE LIABLE FOR ANY ORDER RECEIVED VERBALLY OR FOR ANY MISTAKE OCCURRING FROM THE WANT OF PRECISE AND PROPER INSTRUCTIONS AS TO THE PARTICULAR SPACE, SIZE OR LOCATION IN A TRACT WHERE INTERMENT IS DESIRED.
- B. NO PERSON SHALL ENTER THE KENAI MUNICIPAL CEMETERY EXCEPT THROUGH THE ESTABLISHED ACCESS ROUTES. THE VEHICLE GATE WILL BE OPEN DAILY FROM 6:00 A.M. TO 10:00 P.M., FROM MAY 1 TO SEPTEMBER 30 (SUMMER MONTHS) AND WILL REMAIN LOCKED FROM OCTOBER 1 TO APRIL 30 (WINTER MONTHS). THE CEMETERY IS OPEN YEAR-ROUND FOR PEDESTRIAN TRAFFIC. THE KENAI POLICE DEPARTMENT OR THE KENAI PARKS AND RECREATION DEPARTMENT MAY BE CONTACTED FOR EMERGENCY ACCESS DURING CLOSED HOURS.
- C. NO BURIALS SHALL BE WITHIN THE CITY LIMITS EXCEPT ON HOMESTEADS OWNED BY OR RESIDED ON BY THE DECEASED. SUCH HOMESTEADS MUST BE FIVE (5) ACRES OR LARGER. PRIVATE CEMETERIES WITHIN THE CITY LIMITS ON THE DATE OF PASSAGE OF ORDINANCE 1108 MAY CONTINUE IN USE BUT ARE LIMITED TO THEIR PLATTED SIZE. A BURIAL PERMIT IS STILL REQUIRED TO BE SUBMITTED TO THE CITY CLERK IF THE BURIAL IS TO BE ON A HOMESTEAD OR PRIVATE CEMETERY WITHIN THE CITY LIMITS.
- D. BICYCLES, SKATEBOARDS, ROLLER BLADES, ROLLER SKATES, MOTOR BIKES, THREE (3) OR FOUR (4) WHEELERS ARE NOT ALLOWED ON THE CEMETERY GROUNDS.
- E. NO CHILD UNDER THE AGE OF TWELVE (12), UNACCOMPANIED BY A GUARDIAN OR PARENT OR OTHER ADULT, SHALL BE ALLOWED ON THE CEMETERY GROUNDS.
- F. FOOD, BEER OR OTHER INTOXICATING LIQUORS ARE STRICTLY PROHIBITED WITHIN THE CONFINES OF THE CEMETERY.]

Section 2. Amendment of Title 24 of Kenai Municipal Code: That Kenai Municipal Code, Title 24-Municipal Cemetery, is hereby amended as follows:

Title 24 - MUNICIPAL CEMETERY

**Chapter 24.05
CREATION**

24.05.010 Creation.

From and after the passage of the ordinance codified in this chapter, the municipal cemetery now owned and operated by the City of Kenai shall be known as the Kenai Municipal Cemetery, and shall be available, subject to the regulations established, to all persons, irrespective of race, creed or color.

**Chapter 24.10
ADMINISTRATION**

24.10.010 Administration.

The City Clerk shall be in charge and have access to plats for the purpose of assigning plots upon request, and have charge of burial records, files and maps which shall be stored by the City of Kenai. The City Clerk shall maintain necessary records, files, and maps as required by the State to protect the health and welfare of the community and to ensure continuity in operation. The City Clerk shall assign a plot number to a specific plot in advance of the preparation of a grave whenever an interment or disinterment is to be made.

24.10.020 Enforcement.

The Parks and Recreation Director or his designated representative shall enforce all cemetery regulations and shall exclude from the cemetery any person violating the cemetery regulations.

Chapter 24.15
REGULATIONS AND FEES

24.15.010 Adoption of regulations.

The City Clerk, with the assistance of the Parks and Recreation Commission and Director, shall establish regulations for the purchase of plots and use of the cemetery. [THESE REGULATIONS SHALL BE EFFECTIVE AFTER APPROVAL BY THE CITY COUNCIL. AMENDMENTS TO THE REGULATIONS SHALL BE SUBMITTED BY THE CITY CLERK TO THE CITY COUNCIL FOR APPROVAL.] All rules and regulations, including subsequent amendments to the rules and regulations not established within this Title may be adopted by resolution of the City Council. The rules and regulations will be available in the Office of the City Clerk and posted on the City Website.

24.15.020 Adoption of fees.

All fees shall be as set forth in the City's schedule of fees adopted by the City Council.

Chapter 24.20
CARE OF CEMETERY

24.20.010 Maintenance of cemetery.

The City of Kenai is responsible for the appearance of the Kenai Municipal Cemetery[.]. The maintenance of the cemetery shall be accomplished through a program administered by the Parks and Recreation Department. There is a cemetery donation fund account established for the purpose of providing funding for perpetual cemetery improvements. The City of Kenai shall maintain the driveways, gates, and fencing of the cemetery and may close access to such facilities and suspend interment services in periods of adverse conditions.

24.20.020 Operation of cemetery.

The City of Kenai reserves the right at any time to enlarge, reduce, replat or change the boundaries or grading of the City tracts in the Kenai Municipal Cemetery or any part thereof; to modify or change location of or move or regrade roads, drives, or walks, or any part thereof; to lay, maintain and operate or later to change pipelines or gutters or sprinkling systems, drainage or otherwise. The City of Kenai reserves for itself the perpetual right to ingress and egress over all plots for the purpose of maintenance, operations or any emergency work necessary to the operation of the cemetery.

24.20.030 [GRAVE] Plot specifications and preparation.

- A. Plots shall be platted in those areas of the cemetery where interments have not as yet taken place in five-foot (5') by ten-foot (10') plots, two-and-one-half-foot (2-1/2') by five-foot (5') plots for infants, and two-foot (2') by two-foot (2') for cremains.
- B. The City of Kenai shall not be liable for any order received verbally of for any mistakes occurring from the want of precise and proper instructions as to the particular space, size or location in a tract where interment is desired.
- C. All opening[s], closing[s], plot preparation[s], interment[s], disinterment[s], marker placement[s] and removal[s] shall be overseen by the City and under the supervision of the Parks and Recreation Director or [THEIR DESIGNATED REPRESENTATIVE] designee. Opening and closing of graves shall be conducted by a contractor or business licensed and insured in the State of Alaska as an embalmer, funeral director or mortuary establishment.

Chapter 24.25
Burials Generally

24.25.010 Burials not on City Lands.

No burials shall be within the City limits except on homesteads owned by or resided on by the deceased. Such homesteads must be five (5) acres or larger. Private cemeteries within the City limits on the date of passage of Ordinance 1108 (February 22, 1986) may continue in use but are limited to their platted size. A burial permit is required to be submitted to the City Clerk if the burial is to be on a homestead or private cemetery within the City limits.

**[CHAPTER 24.30
KENAI MUNICIPAL CEMETERY ADVISORY COMMITTEE**

24.30.010 DUTIES AND POWERS.

- (A) THERE IS ESTABLISHED A KENAI MUNICIPAL CEMETERY ADVISORY COMMITTEE, AS A SUBCOMMITTEE OF THE PARKS AND RECREATION COMMISSION, CONSISTING OF FIVE (5) MEMBERS. FOUR (4) MEMBERS SHALL REPRESENT THE OWNERS OF PRIVATE PLOTS AND/OR THE COMMUNITY AT LARGE. ONE (1) MEMBER SHALL BE A MEMBER OF THE FUNERAL HOME OR MORTUARY SERVICE SECTOR.
- (B) THE COMMITTEE SHALL ACT IN AN ADVISORY CAPACITY TO THE CITY IN MATTERS OF POLICY CONCERNING THE KENAI MUNICIPAL CEMETERY REGARDING THE FOLLOWING MATTERS:
 - (1) PLANNING AND DEVELOPMENT OF THE CEMETERY ADDITION AND ITS INTEGRATION INTO THE EXISTING CEMETERY;
 - (2) PRESERVATION OF THE HISTORY OF THE KENAI MUNICIPAL CEMETERY;
 - (3) PERFORMANCE OF OTHER DUTIES AS THE KENAI CITY COUNCIL OR CITY MANAGER MAY DESIGNATE FROM TIME TO TIME.
- (C) THE KENAI MUNICIPAL CEMETERY ADVISORY COMMITTEE SHALL SUNSET ON DECEMBER 31, 2010.]

Section 3. Amendment to City of Kenai Schedule of Rates, Charges and Fees: That the Kenai Schedule of Rates, Charges and Fees, City Clerk, Cemetery Fees is hereby amended as follows:

Cemetery Fees (All Cemetery Fees are Exempt from Sales Tax)

[APX – 1 TITLE 24 – CEMETERY REGULATIONS]

[SECTION 1: B.]	<u>24.15.020</u> Standard Plot	\$1,000.00
[SECTION 1: B.]	Veteran Plot	\$750.00
[SECTION 1: B.]	Infant Plot	\$150.00
[SECTION 1: B.]	Cremaains	\$300.00
[SECTION 1: C.]	Columbarium Niche (up to two standard urns)	\$1,000.00
	Columbarium Niche - opening and/ closing fee for reasons other than inurnment	\$100.00
[SECTION 2:C.]	Marker/Headstone Deposit (applies to Cemetery Plots and Columbarium Niches)	\$400.00
	Cemetery Gazebo Marker Fees	Actual Cost

Section 4. Policy Adopted: That the attached Kenai Municipal Cemetery Regulations Policy is hereby adopted. Subsequent amendments to the Kenai Municipal Cemetery Regulations Policy may be approved by a resolution of the City Council in accordance with KMC 24.15.010.

Section 5. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall

be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 6. Effective Date: That Section four of this ordinance shall take effect immediately upon enactment; and pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	May 18, 2022
Enacted:	June 15, 2022
Effective:	July 15, 2022



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: May 10, 2022
SUBJECT: Ordinance No. 3293-2022 – Amending Cemetery Regulations

The proposed amendments would delete the cemetery regulations from the appendices of Kenai Municipal Code, and relocate portions those regulations into Title 24 and/or into the regulations policy adopted by the City Council.

The identifies prominent changes:

- ❖ Most portions of the Cemetery Regulations within KMC Appendices were relocated to the new Regulation/Policy. The following specific regulations were relocated to KMC Title 24:
 - Section 1: Plots, paragraph a. – Specifications for plot sizes.
 - Section 4: General, paragraph a. – Non-liable statement regarding plot size and location.
 - Section 4: General, paragraph c. – Burials with City Limits.
 - Various sections of the Regulations referenced the adoption of fees, the proposed amendment would add this to KMC 24.15.020.
- ❖ The following identifies regulations that will be changed in the transition to the new regulations/policy:
 - Section 2: Interment and Disinterment or Niche Opening and Closing, paragraph a. – The requirement for a State Burial Transit Permit was removed for inurnment, as they are not required for interment of ashes.
 - Section 3: Maintenance, paragraph b. – Planting of trees, shrubbery, plants and turf have been relocated to the new regulations as prohibited, they were previously permitted with the consent of the Parks and Recreation Director.
 - Section 3: Maintenance, paragraph c. – Enclosures around a grave has been relocated to the new regulations as prohibited, they were previously permitted when authorized by the Parks and Recreation Director.
- ❖ The following identifies other proposed amendments to KMC Title 24:
 - KMC 24.20.010 was expanded to further explain that in periods of adverse conditions interment services may be suspended.
 - KMC 24.30 would be deleted, the Kenai Municipal Cemetery Advisory Committee sunset on December 31, 2010; and should have been deleted at that time. This is a housekeeping deletion.

Kenai Municipal Cemetery Regulations and Fees

Contents

- Purpose 1**
- Administration and General Provisions 1**
 - Hours of Operation 1
 - Fees 1
 - Re-sell or re-assign 1
 - Records..... 1
- Interment and Disinterment 1**
- Maintenance and Landscaping..... 1**
- Plants and Decorations..... 2**
 - Prohibited..... 2
 - Permitted 2
- Marker and Headstones 2**
 - Marker Deposit 2
 - Marker and Headstone Placement 3
 - Columbarium Markers 3
 - Columbarium Inscriptions..... 3
- Prohibited..... 3**
 - Alcoholic..... 3
 - Motorized Vehicle 3
 - Motorized-Off Road Vehicles 3
 - Non-Motorized transportation 3
- Fee Schedule..... 4**

Purpose

The City of Kenai has ordinances and regulations in place for the administration of the Kenai Municipal Cemetery. These regulations apply to all persons utilizing the Kenai Municipal Cemetery. This document has been prepared as an informational guide and is not inclusive of all ordinances and regulations. Administration and General Provisions

The Kenai City Clerk is charged with administration and maintains necessary records required by the State to ensure continuity in the operation of the cemetery. The Parks and Recreation Director enforces all cemetery regulations.

Administration and General Provisions

Hours of Operation: The Kenai Municipal Cemetery is open year-round for pedestrian traffic. No person shall enter the Kenai Municipal Cemetery except through the established access routes. Summer/Winter hours when vehicle access is permitted are as follows:

1. Summer Hours – 6:00 a.m. to 10:00 p.m. from May 1st to September 30th
2. Winter Hours – Closed from October 1st to April 30th

Fees: All fees shall be as set forth in the City's schedule of fees adopted by the City Council. The purchase of interment spaces, interment services or required deposits shall be made through the City Clerk or a professional service provider licensed by the State of Alaska and authorized by the City. At the time of purchase of an interment space, a designated interment space will be assigned upon receipt payment.

Re-sell or re-assign: It is prohibited for the purchaser of an interment space to re-sell or re-assign except to the City.

Records: The City Clerk shall maintain all records of interment or disinterment within the Kenai Municipal Cemetery. The record shall include all files, maps and burial records.

Interment and Disinterment

All interment or disinterment's shall be made in compliance with the laws and regulations of the City of Kenai and State of Alaska.

The City Clerk shall be provided with the appropriate State burial-transit permits before interment will be permitted; a burial-transit permit is not required when interring cremains. The burial plots can be used for no other purpose than interment of human remains and cremains plots or columbarium niches can be used for no other purpose but inurnment of human remains.

Interment Space Specifications: One (1) casket and up to two (2) cremains may be buried in a standard or infant plot. Up to three (3) cremains may be buried in a standard or infant plot. Only one (1) cremains may be buried in a cremains plot. Up to two cremains may be buried in a standard columbarium niche. (*Inner Niche dimensions* **??" x ??"**.)

All columbarium niche openings and closings shall be overseen by the City and under the supervision of the Parks and Recreation Director or designee. A niche may be opened only at the request of the niche owner as listed in the cemetery records or as determined by the City Clerk. The initial opening and closing (inurnment) of the niche is included in the original cost of the niche. Additional openings and closings thereafter, for a second interment or for other reasons are charged at a rate pursuant to the City's fee structure.

All plot preparations for interments or disinterment's shall be overseen by the City and under the supervision of the Parks and Recreation Director or designee. Opening and closing of graves shall be conducted by a professional licensed by the State of Alaska and authorized by the City to provide interment services within the Kenai Municipal Cemetery.

Maintenance and Landscaping

The City of Kenai shall take reasonable precaution to protect all interment markers within the Kenai Municipal Cemetery from loss or damage but expressly disclaims any responsibility for loss or damage from causes beyond such

reasonable precautions. Damages incurred directly or collaterally and caused by or resulting from thieves, vandals, malicious mischief, natural disaster or unavoidable accidents shall be excluded from the City of Kenai's responsibilities.

The City will if able to, clear a path to the interment site when an interment is scheduled during winter months; however, the City reserves the right to suspend interment services due to high snow levels, other severe weather conditions or natural disasters.

Plants and Decorations

Prohibited:

- Enclosures such as picket fences or establishing a perimeter around an interment site are prohibited.
- Planting of trees, shrubbery, plants or turf within the Kenai Municipal Cemetery is prohibited.
- Attaching decorations to trees, shrubs or fences is prohibited.

Permitted:

- Boxes, shelves, toys and other such articles upon a grave or burial lot shall be permitted only if contained within the plot and maintained monthly (April 1 through September 30). Articles that are not maintained, impede maintenance efforts, or become unsightly will be removed and discarded without prior notice at the discretion of the Parks and Recreation Director or designee.
- Plastic or silk flowers and artificial decorations are only permitted between May 1 and September 30. Burials occurring between October 1 and April 30 may have decorations displayed but are subject to removal thirty (30) days after burial.
- All decorations (except those on burials less than thirty (30) days) will be removed during a selected Saturday in the month of May each year during the annual cemetery clean up. A twenty (20) day notice will be posted at the cemetery. Family and friends may either remove their properly placed decorations before Saturday's clean up and replace them later, or request the cemetery not to remove their properly placed decorations by calling or writing the Parks and Recreation Director. A final cleanup of the cemetery will also occur in late September.
- A professional licensed by the State of Alaska and authorized by the City may provide, place and remove greens, decorations or seating used for an interment service and must provide necessary lowering devices.

Plants, flowers, decorations, or articles not otherwise removed by the deadlines or regulations set forth herein, or that have become withered or discolored, will be removed by the Parks and Recreation Director or designee without prior notice. The cemetery is not responsible for damage or liable for the return of such items.

No material shall be allowed to remain in the Kenai Municipal Cemetery longer than is reasonably necessary for any construction work. During periods of break-up, no heavy hauling will be permitted. Within one (1) year of interment, graves shall be restored to ground level and re-seeded.

Marker and Headstones

No more than one (1) marker or headstone per plot shall be allowed. All marker or headstone placement and removals shall be overseen by the City under the supervision of the Parks and Recreation Director or designee. Upright markers or headstones shall only be allowed in specific designated areas, all other areas shall be marked with flat markers or headstones that are flush with the ground and are maintained within the foot print of the plot.

The City will attempt to reasonably accommodate any religious practices that make conformance with the below requirements impossible.

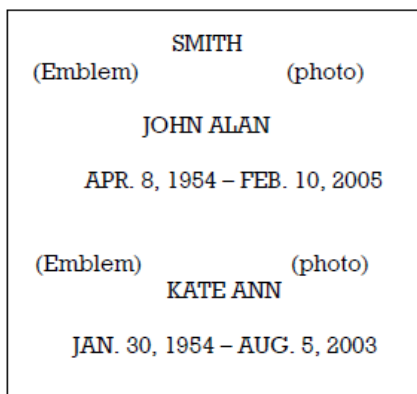
Marker Deposit: If at the time of interment, a marker or headstone is not ordered, the City will collect a deposit. Deposit refunds will be issued after proper installation of a marker or headstone. If after eighteen (18) months for a plot and six (6) months for a columbarium niche a permanent marker or headstone has not been installed, the City shall install a marker or headstone utilizing the deposit as payment.

Marker and Headstone Placement: Markers for cemetery plots may be set in a concrete base and installed at the head of the grave, centered and within the assigned plot. The Parks and Recreation Director must be notified prior to any plot preparation, construction, or placement of headstone or marker.

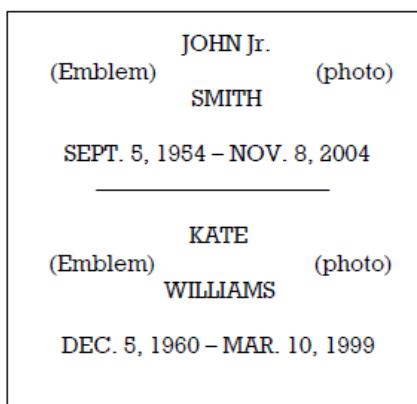
Columbarium Markers: These markers shall follow a standard format, font, and size as determined by the City and shall include the first and last name of the deceased, year of birth, and year of death.

Columbarium Inscriptions: An inscription is required to be inscribed directly onto the granite faceplate. The Kenai City Cemetery requires a specific format for unification of inscriptions that shall be followed according to the purchaser’s name designation. Emblems and/or photos will be allowed as space allows. When a suffix is needed (Jr., Sr., IV, etc.) they will be placed after the first name.

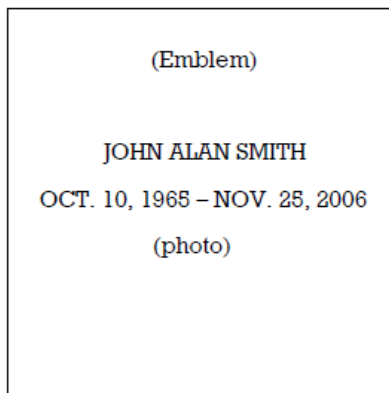
Two (2) Urns with Same Last Name



Two (2) Urns with Different Last Names



One (1) Urn – Single Inscription



Prohibited

Alcoholic beverages or controlled substances are strictly prohibited within the confines of the cemetery.

Motorized Vehicle: Trucks over one tone, buses, tractors, trailers and over sized vehicles are strictly prohibited from the cemetery unless approved in writing by the Parks and Recreation Director or designee.

Motorized-Off Road Vehicles: motor bikes, three and four wheelers are prohibited in the cemetery. It is unlawful for any person to operate any motorized off-road vehicles within the cemetery.

Non-Motorized transportation: Bicycles, skateboards, roller blades, roller skates or other such riding devices are prohibited within the cemetery.

Fee Schedule

Standard Plot.....	\$ 1,000.00
Veterans Plot.....	\$ 750.00
Infant Plot.....	\$ 150.00
Cremains Plot.....	\$ 300.00
Columbarium Niche	\$ 1,000.00
Marker / Headstone Deposit	\$ 400.00
Cemetery Gazebo Marker Fees.....	<i>Actual Cost</i>

DRAFT

CEMETERY REGULATIONS

* **Note to Cemetery Regulations:** Pursuant to Title [24](#) of the Kenai Municipal Code, the following regulations are hereby promulgated to ensure the continuation of the integrity of the Kenai Municipal Cemetery and the protection of the health and welfare of the community.

Section 1: Plots

a. Plots shall be platted in those areas of the cemetery where interments have not as yet taken place in five-foot (5') by ten-foot (10') plots, two-and-one-half-foot (2-1/2') by five-foot (5') plots for infants, and two feet (2') by two feet (2') by two feet (2') for cremains.

Commented [SS1]: Relocated to KMC 24.20.030

b. The City Clerk shall be in charge and have access to said plats for the purpose of assigning plots upon request, and have charge of burial records, files and maps which shall be stored by the City of Kenai. The City Clerk shall charge a fee for each plot, depending upon the size of the plot (adult or infant or cremains) and the season during which the opening and closing of the grave occurs. All fees shall be as set forth in the City's schedule of fees adopted by the City Council. Payment in full for the plot is required at the time of purchase of the plot. Payment for the opening or closing of the grave is due prior to commencement of work.

Commented [SS2]: Relocated to Policy, Administration and General Provisions Section, following paragraphs: Records Fees

c. The purchase of a burial plot, cremains plot, or columbarium niche in the Kenai Municipal Cemetery shall be made through the City Clerk's Office. The purchaser will be assigned a plot(s) or niche(s) after having paid the appropriate fee. It is prohibited for the purchaser of said plot(s) or niche(s) to re-sell or re-assign except to the City. All payments for burial plots, cremains plots, or columbarium niches shall be made directly to the City of Kenai. The fees for such purchase shall be established and maintained in the City Clerk's Schedule of Rates, Charges, and Fees.

Commented [SS3]: Relocated to Policy, Administration and General Provisions, Fees paragraph.

Section 2: Interment and Disinterment or Niche Opening and Closing

a. The City Clerk shall be provided with the appropriate State burial and transit permits before interment or inurnment will be permitted. The burial plots can be used for no other purpose than interment and cremains plots or columbarium niches can be used for no other purpose but inurnment.

Commented [SS4]: Relocated to Policy, Interment and Disinterment Section, second paragraph. Permit requirement for inurnment removed as it does not apply.

b. Interment or disinterment shall be made in compliance with all State and City laws and regulations.

Commented [SS5]: Relocated to Policy, Interment and Disinterment Section, first paragraph.

c. Prior to interment or inurnment a marker or headstone deposit is required. Such deposit shall be established and maintained in the City's Schedule of Rates, Charges, and Fees, and must be paid to the City of Kenai. Deposit refunds will be issued after proper installation of marker or headstone. If after eighteen (18) months (plots) and six (6) months (columbarium's) a permanent marker or headstone has not been installed, the City shall install a marker or flat headstone utilizing the deposit as payment.

Commented [SS6]: Relocated to the Policy, Marker and Headstone Section, third paragraph.

d. Markers and headstones for cemetery plots may be set in a concrete base and installed at the head of the grave, centered and inside the plot area. The Parks and Recreation Director must be notified prior to any plot preparation, construction, or placement of headstone or marker. If religious practices make the conformance of this requirement impossible, the old section of the cemetery may be utilized. This decision will be at the discretion of the Parks and Recreation Director or designee.

Commented [SS7]: Relocated to the Policy, Marker and Headstone Section, fourth paragraph.

e. All niche openings and closings shall be overseen by the Parks and Recreation Department. A niche may be opened only at the request of the niche owner as listed in the cemetery records or as determined by the City Clerk. The initial opening and closing (inurnment) of the niche is included in the original cost of the niche. Additional openings and closings thereafter are charged at a rate pursuant to the City's fee structure. Markers for columbarium niches shall follow a standard format, font, and size as determined by the City and shall include the first and last name of the deceased, year of birth, and year of death.

Commented [SS8]: Relocated to the Policy, Interment and Disinterment Section, fourth paragraph.

f. Only interment or inurnment of human remains is permitted in the Kenai Municipal Cemetery.

Commented [SS9]: Relocated to the Policy, Interment and Disinterment Section, second paragraph, second sentence.

g. No more than one (1) grave marker per plot shall be allowed.

Commented [SS10]: Relocated to Policy, Marker Section, first paragraph.

h. One (1) casket and up to two (2) cremains may be buried in a standard or infant plot. Up to three (3) cremains may be buried in a standard or infant plot. Only one (1) cremain may be buried in a cremain plot. Up to two (2) cremains may be inurned in a standard niche.

Commented [SS11]: Relocated to Policy, Interment and Disinterment Section, third paragraph.

Section 3: Maintenance

a. The City of Kenai shall take reasonable precaution to protect all grave markers within the Kenai Municipal Cemetery from loss or damage but expressly disclaims any responsibility for loss or damage from causes beyond such reasonable precautions. Damages incurred directly or collaterally and caused by or resulting from thieves, vandals, malicious mischief, or unavoidable accidents shall be excluded from the City of Kenai's responsibilities.

Commented [SS12]: Relocated to the Policy, Maintenance and Landscaping, first paragraph.

b. Planting of trees, shrubbery, plants or turf within the Kenai Municipal Cemetery shall be with the consent of the Parks and Recreation Director or designated representative. Failure to get prior authorization may result in removal of plant material. The City will maintain the driveway in winter and clear the path to the grave if a funeral is scheduled. The City of Kenai shall provide grass cutting at reasonable intervals, as well as raking, cleaning, grading and landscaping. Suggested height of trees is no more than eight feet (8').

Commented [SS13]: CHANGED – Relocated to the Policy, Plants and Decorations, PROHIBITED section.

c. Enclosures such as a picket fence or a perimeter shall be permitted around or about any grave or burial plot only upon expressed authorization of the Parks and Recreation Director or designee. Enclosures placed before authorization is granted are subject to removal. Enclosures not maintained or that create a safety hazard may be removed and discarded without prior notice at the discretion of the Parks and Recreation director or designee.

Commented [SS14]: CHANGED – Relocated to the Policy, Plants and Decorations, PROHIBITED section.

d. Boxes, shelves, toys and other such articles upon a grave or burial lot shall be permitted only if contained within the plot and maintained monthly (April 1 through September 30). Articles that are not maintained, impede maintenance efforts, or become unsightly will be removed and discarded without prior notice at the discretion of the Parks and Recreation Director or designee.

Commented [SS15]: Relocated to the Policy, Plants and Decorations, Permitted section.

e. Plastic or silk flowers and artificial decorations are only permitted between May 1 and September 30. Burials occurring between October 1 and April 30 may have decorations displayed but are subject to removal thirty (30) days after burial.

Commented [SS16]: Relocated to the Policy, Plants and Decorations, Permitted section.

f. All decorations (except those on burials less than thirty (30) days) will be removed during a selected Saturday in the month of May each year during the annual cemetery clean up. A twenty (20) day notice will be posted at the cemetery. Family and friends may either remove their properly placed decorations before Saturday's clean up and replace them later, or request the cemetery not to remove their properly placed decorations by calling or

Commented [SS17]: Relocated to the Policy, Plants and Decorations, Permitted section.

writing the Parks and Recreation Director. A final clean up of the cemetery will also occur in late September.

g. Decorations shall not be placed in or attached to trees, shrubs, or fence. Plants, flowers, decorations, or articles not otherwise removed by the deadlines or regulations set forth herein, or have become withered or discolored, will be removed by the Parks and Recreation Director or designee without prior notice. The cemetery is not responsible for damage or liable for the return of such items.

Commented [SS18]: Relocated to the Policy, Plants and Decorations, Prohibited section.

h. No material shall be allowed to remain in the Kenai Municipal Cemetery longer than is reasonably necessary for any construction work. During periods of break-up, no heavy hauling will be permitted. Within one (1) year of interment, graves shall be restored to ground level and re-seeded.

Commented [SS19]: Relocated to the Policy, Plants and Decorations, last paragraph

i. A mortuary conducting a funeral service may provide, place, and remove greens, decorations or seating used for a burial and must provide necessary lowering devices.

Commented [SS20]: Relocated to the Policy, Plants and Decorations, Permitted section.

Section 4: General

a. The City of Kenai shall not be liable for any order received verbally or for any mistake occurring from the want of precise and proper instructions as to the particular space, size or location in a tract where interment is desired.

Commented [SS21]: Relocated to KMC 24.20.030 (B)

b. No person shall enter the Kenai Municipal Cemetery except through the established access routes. The vehicle gate will be open daily from 6:00 a.m. to 10:00 p.m., from May 1 to September 30 (summer months) and will remain locked from October 1 to April 30 (winter months). The cemetery is open year-round for pedestrian traffic. The Kenai Police Department or the Kenai Parks and Recreation Department may be contacted for emergency access during closed hours.

Commented [SS22]: Relocated to Policy, Administration and General Provisions section, first paragraph.

c. No burials shall be within the City limits except on homesteads owned by or resided on by the deceased. Such homesteads must be five (5) acres or larger. Private cemeteries within the City limits on the date of passage of Ordinance [1108](#) may continue in use but are limited to their platted size. A burial permit is still required to be submitted to the City Clerk if the burial is to be on a homestead or private cemetery within the City limits.

Commented [SS23]: Relocated to KMC 24.25.010

d. Bicycles, skateboards, roller blades, roller skates, motor bikes, three (3) or four (4) wheelers are not allowed on the cemetery grounds.

e. No child under the age of twelve (12), unaccompanied by a guardian or parent or other adult, shall be allowed on the cemetery grounds.

f. Food, beer or other intoxicating liquors are strictly prohibited within the confines of the cemetery.

Commented [SS24]: d, e and f were added to the policy, in the prohibited section. More detail has been added.



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: Teea Winger, City Council Member
DATE: June 8, 2022
SUBJECT: Ordinance 3293-2022 Requested Amendment

The purpose of this memo is to request the following amendment to the Kenai Municipal Cemetery Regulations as attached to Ordinance 3293-2022.

Proposed Amendment No. 1:

Motion

Amend the Kenai Municipal Cemetery Regulations as attached to Ordinance 3293-2022 and referenced for adoption in Section 4 of the ordinance, to amend Prohibited section of the policy to include fires or flames as prohibited:

Fire/Flame: Open flames or fires of any type are prohibited within the confines of the Cemetery. This includes candles, memorial lanterns, barbeques or any other type of flame or fire.

Proposed Amendment No. 2:

Motion

Amend the Kenai Municipal Cemetery Regulations as attached to Ordinance 3293-2022 and referenced for adoption Section 4 of the ordinance, to allow picket fences or perimeter around an interment site by deleting the following from the Plants and Decorations, Prohibited section of the regulations:

[ENCLOSURES SUCH AS PICKET FENCES OR ESTABLISHING A PERIMETER AROUND AN INTERMENT SITE ARE PROHIBITED.]

Proposed Amendment No. 3:

Motion

Amend the Kenai Municipal Cemetery Regulations as attached to Ordinance 3293-2022 and referenced for adoption Section 4 of the ordinance, to remove the time limitations for when plastic, silk or artificial flowers are permitted in the cemetery, by amending the second paragraph of the Plants and Decorations, Permitted section of the regulations as follows:

Plastic or silk flowers and artificial decorations are permitted [BETWEEN MAY 1 AND SEPTEMBER 30. BURIALS OCCURRING BETWEEN OCTOBER 1 AND APRIL 30 MAY HAVE DECORATIONS DISPLAYED BUT ARE SUBJECT TO REMOVAL THIRTY (30) DAYS AFTER BURIAL.]

Thank you for your consideration.



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: City Clerk Saner and Parks and Recreation Director Walker

DATE: June 8, 2022

SUBJECT: **Ordinance 3293-2022 – Staff Recommendation and Requested Amendment**

Kenai Municipal Code 24.15.010 establishes that the City Clerk with the assistance of the Parks and Recreation Commission and Director establish regulations for the cemetery to be submitted to the City Council for approval.

The Parks and Recreation Commission held a Work Session on April 7, 2022 to discuss the Kenai Municipal Cemetery Policy Review and provide direction toward drafting updates to the policy, they met again May 5, 2022 and recommended Council approval of the updated Kenai Municipal Cemetery Regulations Draft.

Since the Parks and Recreation Commission recommendations the following items have been identified for potential amendments.

1. Staff supports including the prohibition of fire or flames within the cemetery.
2. Staff does not support allowing enclosure such as picket fences or parameters around an interment site. *The basis for this opinion is related to the recommendation of the Parks and Recreation Commission and not only the costs associated with maintaining those interment sites with fencing, but it also relates to the overall appearance and condition of the cemetery for all users.*
3. Staff supports allowing plastic or silk flowers and artificial decorations year-round.

Proposed Amendment:

Motion

Amend the Kenai Municipal Cemetery Regulations as attached to Ordinance 3293-2022 and referenced for adoption in Section 4 of the ordinance, to include headstone material requirements within the Marker and Headstone Section:

Markers shall be constructed of materials that will not decay, rot or decompose. Examples are hard stone, concrete or hard metals.



Sponsored by: City Clerk

**CITY OF KENAI
RESOLUTION NO. 2022-37**

A RESOLUTION REMOVING THE MORATORIUM ON THE PURCHASE OF STANDARD CEMETERY PLOTS FOR THE SOLE PURPOSE OF RESERVING A CEMETERY PLOT NOT BEING USED FOR IMMEDIATE INTERMENT.

WHEREAS, the Council on March 15, 2017 adopted Resolution No. 2017-14 which established a moratorium on the purchase of standard plots for the sole purpose of reservation; and,

WHEREAS, the moratorium was established due to there no longer being any additional space within the cemetery to create and map out additional standard plots; and,

WHEREAS, there are now sixty-four new plots available in the cemetery expansion area to the west of the original cemetery; and,

WHEREAS, the new expansion area has additional space for future expansions, and the moratorium is no longer needed.

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

Section 1. That the City Council hereby removes the moratorium created by Resolution No. 2017-14 on the purchases of standard plots for the sole purpose of a reservation.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF JUNE, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Shellie Saner, City Clerk

DATE: June 1, 2022

SUBJECT: **Resolution No. 2022-37 – Lifting the Cemetery Moratorium**

The moratorium was placed in March of 2017 due to there no longer being enough space to create new standard plots. A new section of the cemetery was recently created to the west and there are now sixty-four (64) standard plots available as well as space to expand when necessary.

With the recent expansion the moratorium is no longer needed.

Your consideration is appreciated.



Sponsored by: City Clerk

CITY OF KENAI

RESOLUTION NO. 2017-14

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ESTABLISHING A MORATORIUM ON THE PURCHASE OF STANDARD CEMETERY PLOTS FOR THE SOLE PURPOSE OF RESERVING A CEMETERY PLOT NOT BEING USED FOR IMMEDIATE INTERMENT.

WHEREAS, the Kenai Cemetery located at 840 First Avenue, Kenai, is currently the only cemetery in Kenai; and,

WHEREAS, in recent years the City has had enough space in the cemetery to create and map out additional standard cemetery plots as needed; and,

WHEREAS, the City currently has no additional space in the cemetery to create and map out additional standard cemetery plots and has an extremely limited number of standard plots left to sell until the new cemetery is created, which may take up to three years; and,

WHEREAS, at its March 2, 2017 meeting, the Parks & Recreation Commission unanimously adopted Resolution PRC2017-01 recommending the Council establish a moratorium on the purchase of standard cemetery plots for the sole purpose of a reservation and that standard cemetery plots shall be purchased for internment only; and

WHEREAS, the City acknowledges that there may be certain circumstances creating an exception, whereby a reservation may be made for an immediate family member of the deceased.

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

Section 1. That City Council hereby establish a moratorium on the purchase of standard plots for the sole purpose of a reservation and that standard plots shall be purchased for internment only until such time as additional space is available; and that an exception may be granted for an immediate family member of the deceased to reserve a standard cemetery plot.

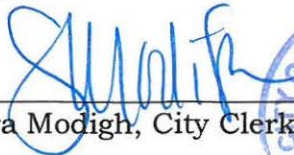
Section 2. That pursuant to KMC 1.15.070(f), this resolution shall take effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15 day of March, 2017.




BRIAN GABRIEL SR., MAYOR

ATTEST:



Sandra Modigh, City Clerk



**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: JUNE 15, 2022**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	89,930.88
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	95,350.51
REBORN AGAIN JANITORIAL	MAY SERVICES	AIRPORT	REPAIR & MAINTENANCE	4,231.25

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
PIPER JAFFRAY	U.S. AGENCY SECURITY	06/15/2027	648,378.56	3.09%
PIPER JAFFRAY	U.S. AGENCY SECURITY	03/25/2027	1,009,373.33	3.01%

PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL

COUNCIL MEETING OF: JUNE 15, 2022

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
FUTURESYNC INTERNATIONAL	LEADERSHIP DEVELOPMENT PROGRAM	VARIOUS	TRANSPORTATION	30,000.00

INCREASE OF EXISTING PURCHASE ORDER

VENDOR	DESCRIPTION	P.O. # - DEPT.	REASON	AMOUNT	TOTAL PO AMT
KACHEMAK ELECTRIC	FY22 STREET LIGHT REPAIR/LOCATES	123399 - STREET LIGHTS	ADDITIONAL LOCATES	28,000.00	32,900.00



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Randi Broyles, Assistant to City Manager

DATE: June 15, 2022

SUBJECT: FY2022 Purchase Order Exceeding \$15,000 – FutureSYNC International

Administration has been examining leadership development programs for the leaders at the City of Kenai with the goal of incorporating methodologies that will embed practices and beliefs to create alignment among leaders and staff. FutureSYNC International developed a program that will be specialized for the City of Kenai team. Leadership topics include relationship management, collaborative coaching, leading change, advanced critical thinking, accountability, effective communication and much more.

The purchase order in the amount of \$30,000 will cover both a hybrid of in-person and online learning sessions. Due to a lack of available trainings and travel in FY22, remaining FY22 departmental transportation funds will be used for this training program.

Your consideration is appreciated.



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin
DATE: June 9, 2022
SUBJECT: **Purchase Order – Street Light Repairs**

The purpose of this memo is to request Council's approval to increase Purchase Order 123399 to Kachemack Electric for Street Lighting Repairs and Utility Locates from \$28,000 to \$32,900. There has been a substantial number of utility locate requests come into the department this spring, with multiple construction projects ongoing throughout the City. This increase will allow locates to continue to be completed through June 30th.

Funding for the increase will be through a budget transfer from 001-434-4538 Buildings Repair & Maintenance in the amount of \$4,900 to 001-435-4538 Street Lights Repair & Maintenance.

Council's approval is respectfully requested.

FISCAL YEAR 2023

PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL

COUNCIL MEETING OF: JUNE 15, 2022

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
STRYKER MEDICAL	LIFEPAK 15 MONITOR/DEFIBRILLATOR	FIRE	MACHINERY & EQUIPMENT	28,148.39
CASELLE	FY23 ANNUAL SOFTWARE SUPPORT/MAINT.	FINANCE	PROFESSIONAL SERVICES	28,888.00
DIVINING POINT	FY23 MARKETING SERVICES	MANAGER	PROFESSIONAL SERVICES	70,300.00



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Tony Prior, Fire Chief

DATE: June 7, 2022

SUBJECT: **FY2023 Purchase Order exceeding \$15,000 to Stryker**

The purpose of this memo is to request approval for the purchase order exceeding \$15,000 to Stryker Medical for the purchase of an advanced cardiac monitor (Lifepak 15). This purchase order is in the amount of \$28,148.39 to purchase a Lifepak 15V1/V2, case, KORE data plan and 4G Modem for this device. Stryker is the only provider of this equipment and we currently have multiple life-saving units in service with maintenance contracts in place. Standardization of this equipment is critically important to provide advanced life support for patients. We respectfully request your support for this purchase.



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Terry Eubank, Finance Director

DATE: June 6, 2022

SUBJECT: **FY2023 Purchase order exceeding \$15,000 to Caselle, Inc.**

The purpose of this memo is to request approval for a purchase order exceeding \$15,000 to Caselle, Inc. for FY2023. Caselle, Inc. is the City's financial software provider. This purchase order in the amount of \$28,888 is for annual maintenance, support, and licensing of the software. Caselle, Inc. is the only provider for this service. The Caselle software package meets the needs of the City and these services are critical to the effective and efficient operations of the financial accounting system. Your support is respectfully requested.



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Randi Broyles, Assistant to City Manager
DATE: June 15, 2022
SUBJECT: FY2023 Purchase Order Exceeding \$15,000 – Divining Point, LLC

Resolution 2019-46 authorized a term agreement with Divining Point, LLC beginning July 1, 2019 with the option to extend for two successive one-year terms by mutual consent of the parties and with each project negotiated separately with Divining Point within budgeted amounts.

This purchase order in the amount of \$70,300 was authorized by the FY23 Budget for marketing services, and will cover marketing services for July 1, 2022 through June 30, 2023 within the amount budgeted, including video and photo production, I Love Kenai website maintenance and upgrades, Best Place to Alaska campaign advertising, City of Kenai event promotions, direct to business marketing, and travel.

Account information below:

001-413-4531 Divining Point, LLC \$70,300

Your consideration is appreciated.



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: June 2, 2022
SUBJECT: **Liquor License Renewal**

The following establishments submitted an application to the Alcohol and Marijuana Control Office for renewal of their liquor licenses:

- Los Compadres Mexican Restaurant LLC D/B/A Los Compadres Mexican Restaurant

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, letters of non-objection to the liquor license renewals will be forwarded to the ABC Board and the applicants.

Your consideration is appreciated.

Submit

by Shellie Saner 5/6/2022 9:28:28 AM (Form Submission)

Approve

by Jeremy Hamilton 5/9/2022 9:47:34 AM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: May 17, 2022 5:00 PM 5/6/2022 9:28:29 AM

Approve

by Scott Curtin 5/6/2022 10:30:46 AM (Building Official Review)

- The task was assigned to Scott Curtin. The due date is: May 17, 2022 5:00 PM 5/6/2022 9:28:30 AM

Approve

by Dave Ross 5/6/2022 10:12:05 AM (Police Department Review)

- The task was assigned to Dave Ross. The due date is: May 17, 2022 5:00 PM 5/6/2022 9:28:30 AM

Approve

by Tina Williamson 5/6/2022 10:22:23 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: May 17, 2022 5:00 PM 5/6/2022 9:28:30 AM

Approve

by Cindy Herr 5/9/2022 9:47:57 AM (Legal Asst Review)

■ No monies owed in traffic fines or restitution.

- The task was assigned to Cindy Herr. The due date is: May 17, 2022 5:00 PM 5/6/2022 9:28:31 AM

Approve

by Ryan Foster 6/1/2022 11:21:53 AM (Lands Review)

- The task was assigned to Ryan Foster. The due date is: May 17, 2022 5:00 PM 5/6/2022 9:28:31 AM

Approve

by Terry Eubank 6/1/2022 1:22:45 PM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: June 10, 2022 5:00 PM 6/1/2022 11:21:54 AM

Approve

by Scott Bloom 6/1/2022 2:19:10 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: June 10, 2022 5:00 PM 6/1/2022 11:21:54 AM

Approve

by Ryan Foster 6/1/2022 11:22:29 AM (P&Z Department Review)

- The task was assigned to Ryan Foster. The due date is: June 10, 2022 5:00 PM 6/1/2022 11:21:54 AM

AMCO License Application

Date

5/6/2022

Establishment Information

License Type

Restaurant Eating Place

Licensee

Mario Rincon

Doing Business As

Los Compadres Mexican Restaurant

Premises Address

10672 Kenai Spur Hwy., Ste 108

City, State

Kenai, AK

Contact Information

Contact Licensee

Mario Rincon

Contact Phone No.

907-252-4828

Contact Email

loscompadresrestaurant19@gmail.com

Additional Contact Information

Name

Laura Brown

Phone No.

907-283-2203

Email

Laura.jmjtax@gmail.com

Documents

File Upload

2022 Los Compadres Renewal Application.pdf

4.1MB



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

May 5, 2022

Via Email: cityclerk@kenai.city; cityclerk@kenai.city; JBlankenship@kbp.us; assemblyclerk@kpb.us; slopez@kpb.us; ncarver@kpb.us; MAldridge@kpb.us; Cjackinsky@kpb.us; JVanHoose@kpb.us; MJenkins@kpb.us

Re: Notice of 2022/2023 Liquor License Renewal Application

Table with 4 columns and 4 rows containing license details: License Type (Restaurant Eating Place), Licensee (Los Compadres Mexican Restaurant LLC), Doing Business As (Los Compadres Mesican Restaurant), and a value (5859).

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 the Acting Director

Acting Director Alcohol and Marijuana Control Office (AMCO)

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

5/05/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5859

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2023 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating

[Empty box for license details]

LICENSE FEE: \$600.00

1130

CITY / BOROUGH: Kenai
Kenai Peninsula Borough

D/B/A: Los Compadres Mexican Restaurant
10672 Kenai Spur Highway
Mail Address:
Los Compadres Mexican Restaurant LLC
P.O. Box 875
Soldotna, AK 99669

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

[Signature]

DIRECTOR

04-900 (REV 7/21)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

5/05/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5859

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2023 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating

[Empty box for license details]

LICENSE FEE: \$600.00

CITY / BOROUGH: Kenai
Kenai Peninsula Borough

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

D/B/A: Los Compadres Mexican Restaurant
10672 Kenai Spur Highway
Mailing Address:
Los Compadres Mexican Restaurant LLC
P.O. Box 875
Soldotna, AK 99669

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

04-900 (REV 7/21)



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2021 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 complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2022 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.

Establishment Contact Information

Licensee (Owner):	Mario Rincon	License #:	4740
License Type:	Restaurant/Eating Place		
Doing Business As:	Los Compadres Mexican Restaurant		
Premises Address:	10672 Kenai Spur Hwy. - Ste. 108 - Kenai, AK		
Local Governing Body:	City of Kenai 99611		
Community Council:			

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

Mailing Address:	Same			
City:		State:		ZIP:

Section 1 - Licensee Contact Information

Contact Licensee: The individual listed below must be listed in Section 2 or 3 as an Official/Owner/Shareholder of your entity and must be listed on CBPL with the same name and title.

This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Mario Rincon	Contact Phone:	907-252-4828
Contact Email:	loscompadresrestaurant19@gmail.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee about your license, list them below:

Name of Contact:	Laura Brown	Contact Phone:	907-283-2203
Contact Email:	LAURA.jmjtax@gmail.com		

Name of Contact:	Jim Duffield	Contact Phone:	907-283-2203
Contact Email:	Jmjtaxak@gmail.com		

Name of Contact:		Contact Phone:	
Contact Email:			



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.
<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10109831
-----------------------	----------

READ BEFORE PROCEEDING: Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a's, payment of \$48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be Issued to your establishment and your application will be returned.

The only exception to this is a Corporation who can meet the requirements set forth in AS 04.11.050(c).

DO NOT LIST OFFICERS OR TITLES THAT ARE NOT REQUIRED FOR YOUR ENTITY TYPE.

- Corporations of any type including non-profit must list **ONLY** the following:
 - All shareholders who own 10% or more stock in the corporation
 - Each President, Vice-President, Secretary, and Managing Officer regardless of percentage owned
- Limited Liability Corporations, of any type must list **ONLY** the following:
 - All Members with an ownership interest of 10% or more
 - All Managers (of the LLC, not the DBA) regardless of percentage owned
- Partnerships of any type, including Limited Partnerships must list **ONLY** the following:
 - Each Partner with an Interest of 10% or more
 - All General Partners regardless of percentage owned

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.

Name of Official:	Mario Rincon				
Title(s):	Member	Phone:	907-252-4828	% Owned:	25
Mailing Address:	PO Box 875				
City:	Soldotna	State:	AK	ZIP:	99669

Name of Official:	Beldima Rincon				
Title(s):	Member	Phone:	907-252-4828	% Owned:	25
Mailing Address:	PO Box 875				
City:	Soldotna	State:	AK	ZIP:	99669

Name of Official:	Blanca Rincon				
Title(s):	Member	Phone:	907-252-4824	% Owned:	25
Mailing Address:	PO Box 875				
City:	Soldotna	State:	AK	ZIP:	99669



**Alaska Alcohol Beverage Control Board
Form AB-17: 2022/2023 License Renewal Application**

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.
<https://www.commerce.alaska.gov/cbp/majin/search/entities>

Alaska CBPL Entity #:	
------------------------------	--

READ BEFORE PROCEEDING: Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a's, payment of \$48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be issued to your establishment and your application will be returned.

The only exception to this is a Corporation who can meet the requirements set forth in AS 04.11.050(c).

DO NOT LIST OFFICERS OR TITLES THAT ARE NOT REQUIRED FOR YOUR ENTITY TYPE.

- Corporations of *any* type *including non-profit* must list **ONLY** the following:
 - All shareholders who own 10% or more stock in the corporation
 - Each President, Vice-President, Secretary, and Managing Officer regardless of percentage owned
- Limited Liability Corporations, of *any* type must list **ONLY** the following:
 - All Members with an ownership interest of 10% or more
 - All Managers (of the LLC, not the DBA) regardless of percentage owned
- Partnerships of *any* type, *including Limited Partnerships* must list **ONLY** the following:
 - Each Partner with an interest of 10% or more
 - All General Partners regardless of percentage owned

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. **If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.**

Name of Official:	Abel Calvillo			
Title(s):	Member	Phone:	907-252-4828	% Owned: 25
Mailing Address:	PO Box 875			
City:	Soldotna	State:	AK	ZIP: 99669

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:



Form AB-17: 2022/2023 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

Corporations, LLC's and Partnerships of ALL kinds should skip this section.

READ BEFORE PROCEEDING: Any new or changes to the ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI approved cardstock, AB-08a's, payment of \$48.25 for each new owner or officer and a date stamped copy of the CBPL change per AS 04.11.045, or a Notice of Violation will be issued to your establishment and your application will be returned.

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, phone number, and mailing address for each owner or partner whose information we require. If more space is needed, attach additional copies of this page. Additional owners not listed on this page will be rejected.

This individual is an:	<input type="checkbox"/> Applicant	<input type="checkbox"/> Affiliate
Name:		
Contact Phone:		
Mailing Address:		
City:	State:	ZIP:
Email:		

This individual is an:	<input type="checkbox"/> Applicant	<input type="checkbox"/> Affiliate
Name:		
Contact Phone:		
Mailing Address:		
City:	State:	ZIP:
Email:		

Section 4 – License Operation

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

- | | | |
|--|-------------------------------------|-------------------------------------|
| | 2020 | 2021 |
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<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 calendaryears. <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> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have not met the minimum number of hours of operation in 2020 and/or 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.

Section 5 – Violations and Convictions

Have **ANY** Notices of Violation been issued for this license **OR** 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 2020 or 2021?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.



Form AB-17: 2022/2023 License Renewal Application

Section 6 – 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.

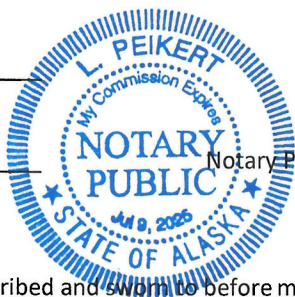
- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) 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 accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- **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 certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name from what is currently approved and on file with the Alcoholic Beverage Control Board.

I certify on behalf of myself or of the organized entity 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.

Mario G. Rincon
Signature of licensee

[Signature]
Signature of Notary Public

MARIO G. RINCON
Printed name of licensee



Notary Public in and for the State of: Alaska

My commission expires: 07-09-2025

Subscribed and sworn to before me this 27 day of January, 2022.

- Restaurant/Eating Place** applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site** applications must include a completed Recreational Site Statement
- Tourism** applications must include a completed 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

Any application that is not complete or does not include ALL required completed forms and fees will not be processed and will be returned per AS 04.11.270, 3 AAC 304.105.

FOR OFFICE USE ONLY

License Fee:	\$ 600	Application Fee:	\$ 300.00	Misc. Fee:	\$ 500
Total Fees Due:					\$ 1400



ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Los Compadres Mexican Restaurant LLC
Previous Legal Name	Los Compadres Mexican Restaurant LLC

Entity Type: Limited Liability Company

Entity #: 10109831

Status: Good Standing

AK Formed Date: 7/18/2019

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2023

Entity Mailing Address: PO BOX 875, SOLDOTNA, AK 99669

Entity Physical Address: 10672 KENAI SPUR HWY, STE 108, KENAI, AK 99611

Registered Agent

Agent Name: Mario Rincon

Registered Mailing Address: PO BOX 875, SOLDOTNA, AK 99669

Registered Physical Address: 167 GREEN VALLEY ST, SOLDOTNA, AK 99669

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Beldima Rincon	Member	33.30
	Blanca Rincon	Member	33.30
	Mario Rincon	Member	33.40

Filed Documents

Date Filed	Type	Filing	Certificate
7/18/2019	Creation Filing	Click to View	Click to View
7/18/2019	Initial Report	Click to View	
9/30/2019	Amendment	Click to View	Click to View
4/07/2021	Biennial Report	Click to View	
10/27/2021	Certificate of Compliance		Click to View
3/29/2022	Change of Officials	Click to View	

LICENSE DETAILS

License #: 2090151

[Print Business License](#)

Business Name: Los Compadres Mexican Restaurant LLC

Status: Active

Issue Date: 07/18/2019

Expiration Date: 12/31/2023

Mailing Address: PO Box 875
Soldotna, AK 99669

Physical Address: 10672 Kenai Spur Hwy Ste 108
Kenai, AK 99611

Owners

Los Compadres Mexican Restaurant LLC

Activities

Line of Business	NAICS	Professional License #
72 - Accommodation and Food Services	722110 - FULL-SERVICE RESTAURANTS	

Endorsements

No Endorsements Found

License Lapse(s)

If this business license lapsed within the last four years the lapsed periods will appear below. Lapsed periods are the unlicensed period between an expiration date and renewal date.

Start Date	End Date
1/1/2020	6/17/2020

[Close License Detail](#)

[Print Friendly Version](#)



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

5/6/2022

Sent via email: cityclerk@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Los Compadres Mexican Restaurant, LLC
Business Name	:	Los Compadres Mexican Restaurant, LLC
License Type	:	Restaurant/Eating Places
License Location	:	10672 Kenai Spur Highway, Suite 108, Kenai, AK 99611, City of Kenai
License No.	:	5859
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,

Johni Blankenship, MMC
Borough Clerk

JB/JS

Encl.

cc: loscompadresrestaurant19@gmail.com;



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager

DATE: June 9, 2022

SUBJECT: Kenai Municipal Airport Special Use Permit(s)

Annually, the Kenai Municipal Airport (ENA) issues reoccurring Special Use Permits (SUP's) for the use of airport apron and terminal space. The following SUP's have been requested and application fees paid.

- Empire Airlines, Inc. – 11,250 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Everts Air Fuel, LLC – 30,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Crowley Fuels, LLC – 35,000 square feet of airport apron space used for aircraft fueling services. Effective July 1, 2022 through June 30, 2023.
- United Postal Service Co., – 4,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Kenai Aviation Operations, LLC – 2,714 square feet of airport taxilane space used for aircraft parking. Effective May 1, 2022 through October 31, 2022.
- Alaska Air Fuel, Inc. – 15,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Alaska Geographic – 10 square feet of terminal space for vending machine. Effective July 1, 2022 through June 30, 2023.

Your consideration is appreciated.

SPECIAL USE PERMIT

The CITY OF KENAI (City) grants to EMPIRE AIRLINES, INC. (Permittee), whose address is 11559 N. Atlas Road, Hayden, ID 83835, a Special Use Permit for the purpose of aircraft parking at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

1. **Premises.** Permittee shall have the non-exclusive right to use 11,250 square feet as described in the attached Exhibit A for the uses identified in this Permit.
2. **Term.** The term of this Permit shall be for 1 year commencing on July 1, 2022 and ending on June 30, 2023. Regardless of the date of signature, this Permit shall be effective as of July 1, 2022.
3. **Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:
 - A. **Permit:** Permittee shall pay a monthly fee of \$1,190.63 plus applicable sales tax.
 - B. **Proximity Card for Gate Access:** In addition to the general permit fee, Permittee shall pay a deposit of one hundred dollars (\$100.00) for the use of each proximity card issued to Permittee by City to allow for gate access to the Airport to conduct the uses permitted hereunder. City shall refund this deposit to Permittee when the card is returned to City. City may exercise a right of offset to apply the deposit to any outstanding balance due to City from Permittee at the termination of this Permit.
 - C. **Other Fees:** City may assess additional fees for aviation or aviation support activities and uses not defined in this Permit. If a fee has not been established for those activities or services, a fee will be established by the Airport Manager.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of ten percent (10%) per annum, and penalty of ten percent (10%) shall also be due (KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination)

4. Use. City authorizes Permittee’s non-exclusive use of the Premises for the following purpose(s):

Aircraft Parking. **NOTE:** This permit does not guarantee the exclusive use of the area identified in Exhibit A. City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.

Permittee shall have the right of ingress and egress to the Airport using only designated gate access locations (which may require a proximity card) for the use of the Premises. This Permit, and any access rights allowed hereunder, are for Permittee’s use only and may not be transferred or assigned.

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

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager or designated representative. The Airport Manager or designated representative reserves the right to designate reasonable areas where aircraft owners may perform services on their own aircraft.

5. Airport Operations. Permittee shall ensure that the Permittee, its employees, and guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

6. Inspection. The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

7. Coordination with Airport Management. Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

8. Radio Transmitting Equipment. Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

9. 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, City is entitled to coverage to the extent of the higher limits.

A. 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 include an endorsement under which the insurer extends coverage to Permittee’s fuel handling activities. 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 on the Airport. 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 thirty (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 July 1, 2022. The effective date of the insurance shall be no later than July 1, 2022.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

10. Assumption of Risk. Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

11. Indemnity, Defend, and Hold Harmless Agreement. Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City’s staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as “Liabilities”), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee’s activities on or use of the Premises, Permittee’s access to the Kenai Municipal Airport, and/or Permittee’s exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

12. Fuel Spill Prevention and Response Plan. Areas of the Apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the Apron and/or use of the Airport.

Permittee shall provide to City an acceptable fuel spill prevention and response plan and will maintain fuel spill and response capability. Permittee further agrees to have a copy of the fuel spill prevention and response plan located in the Permittee's fuel dispensing equipment at all times. Permittee must comply with the Airport's Storm Water Pollution Prevention Plan as appropriate to Permittee's activities.

Permittee shall not store any personal property, solid waste, petroleum products, Hazardous Material as defined by 14 CFR § 171.8, hazardous waste (ignitable, corrosive, reactive, or toxic) or any hazardous substance on any portion of the Airport. Permittee is aware that there are significant penalties for improperly disposing of the Hazardous Materials and other waste and for submitting false information regarding Hazardous Materials, including the possibility of fine and imprisonment for knowing violations.

Permittee shall immediately remove the material in the event of spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement or surface in or on any area of the Airport.

Permittee may not construct or install any above-ground or underground fuel storage tanks or dispensing systems at the Airport.

No person shall smoke on an aircraft-parking ramp, inside an aircraft hangar, or within fifty feet (50') of any aircraft fuel facility or fuel truck.

Permittee is subject to FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports, the National Fire Protection Associations' "Standard for Aircraft Fueling Servicing" in NFPA 407 (1996 version), and the current version of the International Fire Codes. All inspections of fuel facilities, by City or other regulating entities to which Permittee is subject, shall be conducted to assure compliance with the fire safety practices listed in these referenced documents.

13. Hazardous Substances and Materials. Permittee shall conform and be subject to

the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

14. No Discrimination. Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

15. Licenses and Permits. Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

16. Compliance with Law/Grant Assurances. This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

17. No Exclusivity. The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

18. Assignment. The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

19. No Joint Venture. 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 or elsewhere at the Kenai Municipal Airport.

20. No Waiver. Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

21. Personalty. Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or

impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25.00 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

22. Termination; Default. This Permit may be terminated by either party hereto by giving thirty (30) days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than thirty (30) days, to protect public health and safety or due to a failure of Permittee to comply with condition or term of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

23. Landing Fees; Fee Schedule. Timely payment of landing fees and other required Airport fees is a condition of this Permit and, as such, failure to timely pay landing and other airport fees is grounds for termination. Without limiting the foregoing, Permittee shall pay landing fees for aircraft landings as set out in the City's comprehensive schedule of rates, charges and fees. Permittee shall make payment within thirty (30) days following the end of each month and without demand or invoicing from City. Permittee shall also provide Airport Administration with monthly certified gross take-off weight reports within ten (10) days following the end of each month for landings for the preceding month. Airport landing fees shall be paid at the Airport Administration Building, 305 North Willow Street, Suite 200, Kenai, AK 99611.

24. Impoundment. At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within ninety (90) days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three (3) consecutive weeks not more than thirty (30) days nor less than seven (7) days before the time of the auction.

25. Definitions. As used in this Permit, "Permittee" means Empire Airlines, Inc. and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.

CITY OF KENAI

EMPIRE AIRLINES, INC.

By: _____
Paul Ostrander Date
City Manager

By: _____
Randy Lanfell Date
Director of Flight Operations

ACKNOWLEDGMENTS

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2022, the foregoing instrument was acknowledged before me by PAUL OSTRANDER, City Manager, of the City of Kenai, an Alaska municipal corporation, on behalf of the City.

Notary Public for Alaska
My Commission Expires: _____

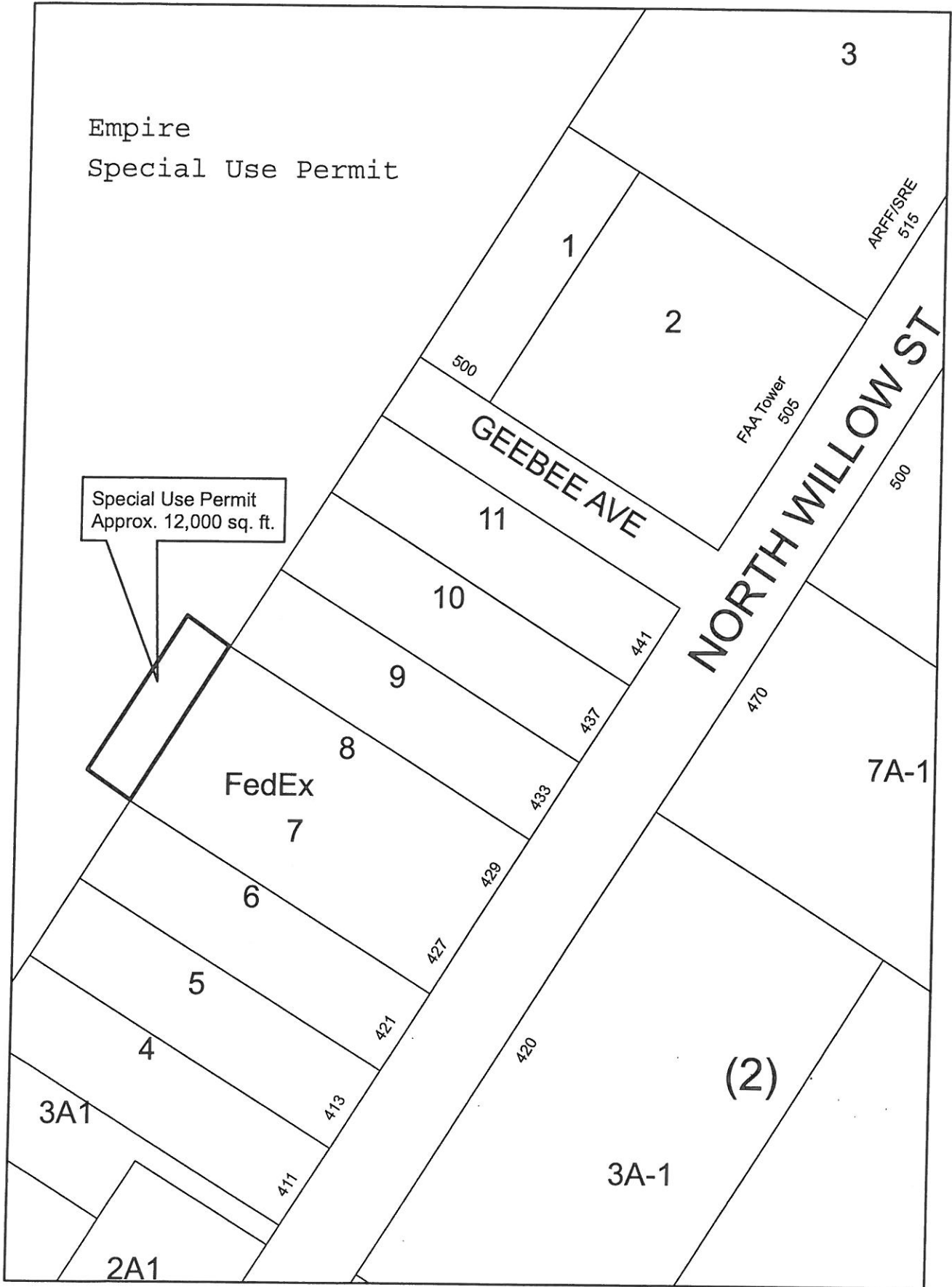
STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2022, the foregoing instrument was acknowledged before me by RANDY LANFELL, Director of Flight Operations, Empire Airlines, Inc., on behalf of the State of Alaska.

Notary Public for Alaska
My Commission Expires: _____

Approved as to Form:

Scott Bloom
City Attorney





MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Eland Conway, Airport Manager
DATE: June 9, 2022
SUBJECT: Kenai Municipal Airport Special Use Permit(s)

Annually, the Kenai Municipal Airport (ENA) issues reoccurring Special Use Permits (SUP's) for the use of airport apron and terminal space. The following SUP's have been requested and application fees paid.

- Empire Airlines, Inc. – 11,250 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Everts Air Fuel, LLC – 30,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Crowley Fuels, LLC – 35,000 square feet of airport apron space used for aircraft fueling services. Effective July 1, 2022 through June 30, 2023.
- United Postal Service Co., – 4,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Kenai Aviation Operations, LLC – 2,714 square feet of airport taxilane space used for aircraft parking. Effective May 1, 2022 through October 31, 2022.
- Alaska Air Fuel, Inc. – 15,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Alaska Geographic – 10 square feet of terminal space for vending machine. Effective July 1, 2022 through June 30, 2023.

Your consideration is appreciated.

SPECIAL USE PERMIT

The CITY OF KENAI (City) grants to EVERTS AIR FUEL, INC. (Permittee), whose address is P.O. Box 60908, Fairbanks, AK 99706, a Special Use Permit to conduct aeronautical and/or aviation-related activities at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

1. Premises. Permittee shall have the non-exclusive right to use 30,000 square feet as described in the attached Exhibit A for the uses identified in this Permit.

2. Term. The term of this Permit shall be for 1 year commencing on July 1, 2022 and ending on June 30, 2023. Regardless of the date of signature, this Permit shall be effective as of July 1, 2022.

3. Permit Fees. Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:

A. Permit: Permittee shall pay a monthly fee of \$3,175.00 plus applicable sales tax.

B. Proximity Card for Gate Access: In addition to the general permit fee, Permittee shall pay a deposit of One Hundred Dollars (\$100.00) for the use of each proximity card issued to Permittee by City to allow for gate access to the Airport to conduct the uses permitted hereunder. City shall refund this deposit to Permittee when the card is returned to City. City may exercise a right of offset to apply the deposit to any outstanding balance due to City from Permittee at the termination of this Permit.

C. Other Fees: City may assess additional fees for aviation or aviation support activities and uses not defined in this Permit. If a fee has not been established for those activities or services, a fee will be established by the Airport Manager.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of 10% per annum, and penalty of 10% shall also be due (KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination)

4. Use. City authorizes Permittee’s non-exclusive use of the Premises for the following purpose(s):

Aircraft Loading and Parking. **NOTE:** This permit does not guarantee the exclusive use of the area identified in Exhibit A. City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.

Permittee shall have the right of ingress and egress to the Airport using only designated gate access locations (which may require a proximity card) for the use of the Premises. This Permit, and any access rights allowed hereunder, are for Permittee’s use only and may not be transferred or assigned.

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

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager or designated representative. The Airport Manager or designated representative reserves the right to designate reasonable areas where aircraft owners may perform services on their own aircraft.

5. Airport Operations. Permittee shall ensure that the Permittee, its employees, and guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

6. Inspection. The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

7. Coordination with Airport Management. Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

8. Radio Transmitting Equipment. Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

9. 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, City is entitled to coverage to the extent of the higher limits.

A. 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 include an endorsement under which the insurer extends coverage to Permittee’s fuel handling activities. 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 on the Airport. 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 July 1, 2022. The effective date of the insurance shall be no later than July 1, 2022.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

10. Assumption of Risk. Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

11. Indemnity, Defend, and Hold Harmless Agreement. Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City's staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "Liabilities"), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee's activities on or use of the Premises, Permittee's access to the Kenai Municipal Airport, and/or Permittee's exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

12. Fuel Spill Prevention and Response Plan. Areas of the Apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the Apron and/or use of the Airport.

Permittee shall provide to City an acceptable fuel spill prevention and response plan and will maintain fuel spill and response capability. Permittee further agrees to have a copy of the fuel spill prevention and response plan located in the Permittee's fuel dispensing equipment at all times. Permittee must comply with the Airport's Storm Water Pollution Prevention Plan as appropriate to Permittee's activities.

Permittee shall not store any personal property, solid waste, petroleum products, Hazardous Material as defined by 14 CFR § 171.8, hazardous waste (ignitable, corrosive, reactive, or toxic) or any hazardous substance on any portion of the Airport. Permittee is aware that there are significant penalties for improperly disposing of the Hazardous Materials and other waste and for submitting false information regarding Hazardous Materials, including the possibility of fine and imprisonment for knowing violations.

Permittee shall immediately remove the material in the event of spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement or surface in or on any area of the Airport.

Permittee may not construct or install any above-ground or underground fuel storage tanks or dispensing systems at the Airport.

No person shall smoke on an aircraft-parking ramp, inside an aircraft hangar, or within 50' of any aircraft fuel facility or fuel truck.

Permittee is subject to FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports, the National Fire Protection Associations' "Standard for Aircraft Fueling Servicing" in NFPA 407 (1996 version), and the current version of the International Fire Codes. All inspections of fuel facilities, by City or other regulating entities to which Permittee is subject, shall be conducted to assure compliance with the fire safety practices listed in these referenced documents.

13. Hazardous Substances and Materials. Permittee shall conform and be subject to the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

14. No Discrimination. Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

15. Licenses and Permits. Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

16. Compliance with Law/Grant Assurances. This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

17. No Exclusivity. The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

18. Assignment. The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

19. No Joint Venture. 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 or elsewhere at the Kenai Municipal Airport.

20. No Waiver. Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

21. Personalty. Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25 per day. The City of Kenai

is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

22. Termination; Default. This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety or due to a failure of Permittee to comply with condition or term of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

23. Landing Fees; Fee Schedule. Timely payment of landing fees and other required Airport fees is a condition of this Permit and, as such, failure to timely pay landing and other airport fees is grounds for termination. Without limiting the foregoing, Permittee shall pay landing fees for aircraft landings as set out in the City's comprehensive schedule of rates, charges and fees. Permittee shall make payment within 30 days following the end of each month and without demand or invoicing from City. Permittee shall also provide Airport Administration with monthly certified gross take-off weight reports within ten days following the end of each month for landings for the preceding month. Airport landing fees shall be paid at the Airport Administration Building, 305 North Willow Street, Suite 200, Kenai, AK 99611.

24. Impoundment. At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within 90 days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three consecutive weeks not more than 30 days nor less than seven days before the time of the auction.

25. Definitions. As used in this Permit, "Permittee" means Everts Air Fuel, Inc. and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.

Exhibit A





KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Eland Conway, Airport Manager
DATE: June 9, 2022
SUBJECT: Kenai Municipal Airport Special Use Permit(s)

Annually, the Kenai Municipal Airport (ENA) issues reoccurring Special Use Permits (SUP's) for the use of airport apron and terminal space. The following SUP's have been requested and application fees paid.

- Empire Airlines, Inc. – 11,250 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Everts Air Fuel, LLC – 30,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Crowley Fuels, LLC – 35,000 square feet of airport apron space used for aircraft fueling services. Effective July 1, 2022 through June 30, 2023.
- United Postal Service Co., – 4,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Kenai Aviation Operations, LLC – 2,714 square feet of airport taxilane space used for aircraft parking. Effective May 1, 2022 through October 31, 2022.
- Alaska Air Fuel, Inc. – 15,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Alaska Geographic – 10 square feet of terminal space for vending machine. Effective July 1, 2022 through June 30, 2023.

Your consideration is appreciated.

SPECIAL USE PERMIT

The CITY OF KENAI (City) grants to CROWLEY FUELS LLC (Permittee), whose address is 201 Arctic Slope Ave., Anchorage, AK 99518, a Special Use Permit for the fueling area on the apron at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

1. Premises. Permittee shall have the non-exclusive right to use 35,000 square feet as described in the attached Exhibit A for the uses identified in this Permit.

2. Term. The term of this Permit shall be for 1 year commencing on July 1, 2022 and ending on June 30, 2023. Regardless of the date of signature, this Permit shall be effective as of July 1, 2022.

3. Permit Fees. Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:

A. Permit: Permittee shall pay a monthly fee of \$3,704.16 plus applicable sales tax.

B. Proximity Card for Gate Access: In addition to the general permit fee, Permittee shall pay a deposit of One Hundred Dollars (\$100.00) for the use of each proximity card issued to Permittee by City to allow for gate access to the Airport to conduct the uses permitted hereunder. City shall refund this deposit to Permittee when the card is returned to City. City may exercise a right of offset to apply the deposit to any outstanding balance due to City from Permittee at the termination of this Permit.

C. Other Fees: City may assess additional fees for aviation or aviation support activities and uses not defined in this Permit. If a fee has not been established for those activities or services, a fee will be established by the Airport Manager.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of 10% per annum, and penalty of 10% shall also be due (KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination)

4. Use. City authorizes Permittee’s non-exclusive use of the Premises for the following purpose(s):

Aviation Fueling on Apron Fueling Area. NOTE: This permit does not guarantee the exclusive use of the area identified in Exhibit A. City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.

Permittee shall have the right of ingress and egress to the Airport using only designated gate access locations (which may require a proximity card) for the use of the Premises. This Permit, and any access rights allowed hereunder, are for Permittee’s use only and may not be transferred or assigned.

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

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager or designated representative. The Airport Manager or designated representative reserves the right to designate reasonable areas where aircraft owners may perform services on their own aircraft.

5. Airport Operations. Permittee shall ensure that the Permittee, its employees, and guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

6. Inspection. The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

7. Coordination with Airport Management. Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

8. Radio Transmitting Equipment. Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

9. 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, City is entitled to coverage to the extent of the higher limits.

A. 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 include an endorsement under which the insurer extends coverage to Permittee’s fuel handling activities. 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 on the Airport. 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 thirty (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 July 1, 2022. The effective date of the insurance shall be no later than July 1, 2022.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

10. Assumption of Risk. Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

11. Indemnity, Defend, and Hold Harmless Agreement. Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City’s staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as “Liabilities”), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee’s activities on or use of the Premises, Permittee’s access to the Kenai Municipal Airport, and/or Permittee’s exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

12. Fuel Spill Prevention and Response Plan. Areas of the Apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the Apron and/or use of the Airport.

Permittee shall provide to City an acceptable fuel spill prevention and response plan and will maintain fuel spill and response capability. Permittee further agrees to have a copy of the fuel spill prevention and response plan located in the Permittee's fuel dispensing equipment at all times. Permittee must comply with the Airport's Storm Water Pollution Prevention Plan as appropriate to Permittee's activities.

Permittee shall not store any personal property, solid waste, petroleum products, Hazardous Material as defined by 14 CFR § 171.8, hazardous waste (ignitable, corrosive, reactive, or toxic) or any hazardous substance on any portion of the Airport. Permittee is aware that there are significant penalties for improperly disposing of the Hazardous Materials and other waste and for submitting false information regarding Hazardous Materials, including the possibility of fine and imprisonment for knowing violations.

Permittee shall immediately remove the material in the event of spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement or surface in or on any area of the Airport.

Permittee may not construct or install any above-ground or underground fuel storage tanks or dispensing systems at the Airport.

No person shall smoke on an aircraft-parking ramp, inside an aircraft hangar, or within 50' of any aircraft fuel facility or fuel truck.

Permittee is subject to FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports, the National Fire Protection Associations' "Standard for Aircraft Fueling Servicing" in NFPA 407 (1996 version), and the current version of the International Fire Codes. All inspections of fuel facilities, by City or other regulating entities to which Permittee is subject, shall be conducted to assure compliance with the fire safety practices listed in these referenced documents.

13. Hazardous Substances and Materials. Permittee shall conform and be subject to

the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

14. No Discrimination. Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

15. Licenses and Permits. Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

16. Compliance with Law/Grant Assurances. This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

17. No Exclusivity. The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

18. Assignment. The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

19. No Joint Venture. 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 or elsewhere at the Kenai Municipal Airport.

20. No Waiver. Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

21. Personalty. Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or

impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

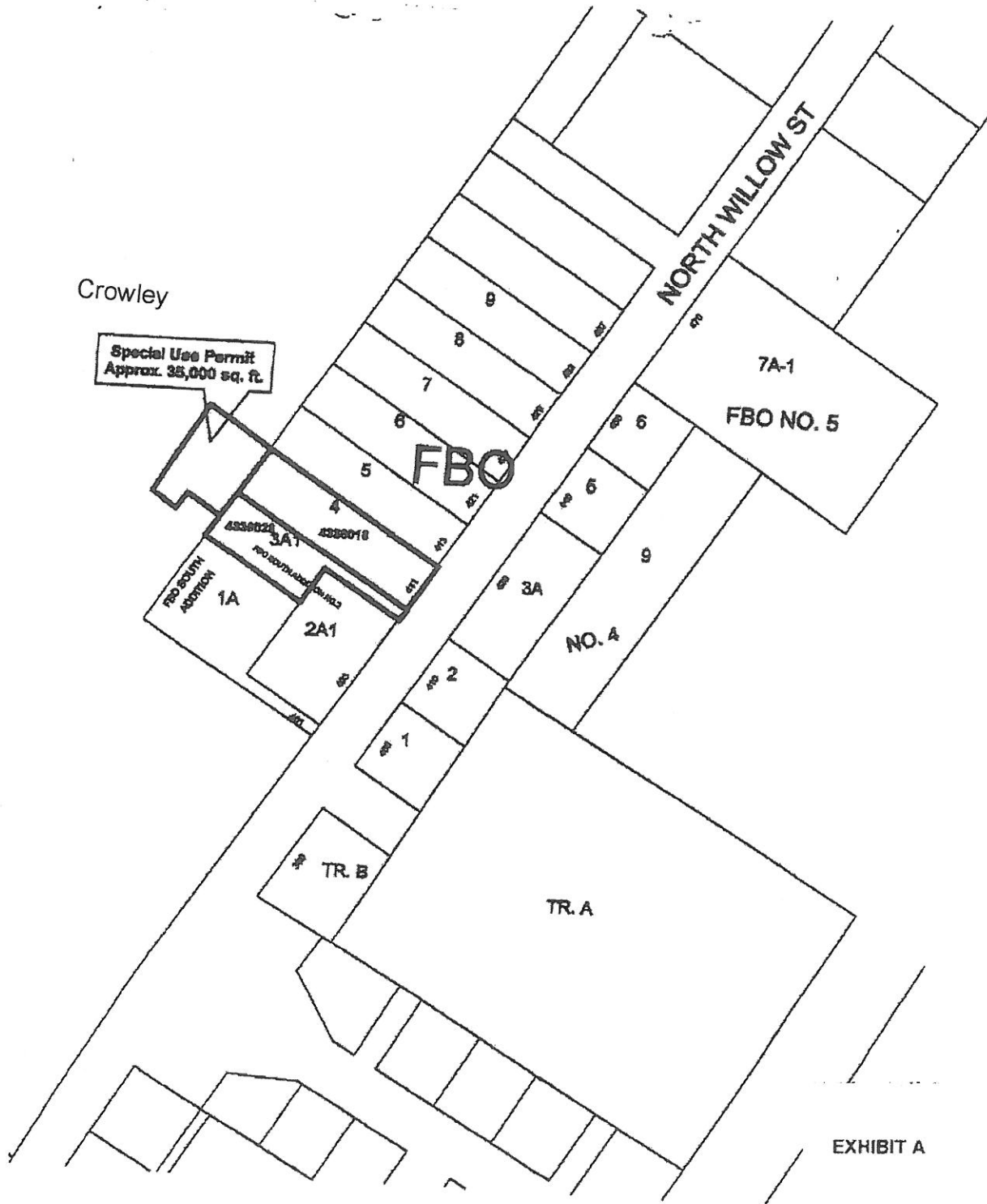
22. Termination; Default. This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety or due to a failure of Permittee to comply with condition or term of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

23. Landing Fees; Fee Schedule. Timely payment of landing fees and other required Airport fees is a condition of this Permit and, as such, failure to timely pay landing and other airport fees is grounds for termination. Without limiting the foregoing, Permittee shall pay landing fees for aircraft landings as set out in the City's comprehensive schedule of rates, charges and fees. Permittee shall make payment within 30 days following the end of each month and without demand or invoicing from City. Permittee shall also provide Airport Administration with monthly certified gross take-off weight reports within ten days following the end of each month for landings for the preceding month. Airport landing fees shall be paid at the Airport Administration Building, 305 North Willow Street, Suite 200, Kenai, AK 99611.

24. Impoundment. At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within 90 days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three consecutive weeks not more than 30 days nor less than seven days before the time of the auction.

25. Definitions. As used in this Permit, "Permittee" means Crowley Fuels LLC., and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.

EXHIBIT A





MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager

DATE: June 9, 2022

SUBJECT: Kenai Municipal Airport Special Use Permit(s)

Annually, the Kenai Municipal Airport (ENA) issues reoccurring Special Use Permits (SUP's) for the use of airport apron and terminal space. The following SUP's have been requested and application fees paid.

- Empire Airlines, Inc. – 11,250 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Everts Air Fuel, LLC – 30,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Crowley Fuels, LLC – 35,000 square feet of airport apron space used for aircraft fueling services. Effective July 1, 2022 through June 30, 2023.
- United Postal Service Co., – 4,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Kenai Aviation Operations, LLC – 2,714 square feet of airport taxilane space used for aircraft parking. Effective May 1, 2022 through October 31, 2022.
- Alaska Air Fuel, Inc. – 15,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Alaska Geographic – 10 square feet of terminal space for vending machine. Effective July 1, 2022 through June 30, 2023.

Your consideration is appreciated.

SPECIAL USE PERMIT

THE CITY OF KENAI (CITY) for the considerations and pursuant to the conditions and requirements set forth below, hereby grants **ALASKA GEOGRAPHIC** (PERMITTEE), whose address is 421 W. 1st Ave, Suite 250, Anchorage, AK 99501, the non-exclusive right to use that area described below:

A small area in the Kenai Airport Terminal approximately 3.4 feet by 2.8 feet in size

- 1. TERM.** The term of this Permit shall be for 1 year commencing on July 1, 2022, and ending on June 30, 2023.
- 2. PERMIT FEES.** The monthly fee for this permit is \$29.60 plus applicable sales tax.
- 3. USE.** The use of the Premises by Permittee is for the purpose of placing a vending kiosk to sell interpretive products that entertain and educate visitors about Alaska’s public lands. A portion of every purchase is donated to its host park, refuge or forest. The inventory will be monitored remotely and serviced by Kenai National Wildlife Refuge store manager in Soldotna.
- 4. LICENSES AND PERMITS; LAWS.** Permittee shall adhere to all federal, state, and local laws, ordinances, and regulations while conducting its activities on the Premises. Permittee shall obtain and maintain all required federal, state, and local licenses, permits, certificates, and other documents required for Permittee’s operations under the Permit. Permittee shall provide proof of compliance to the City upon request by the City.
- 5. NO EXCLUSIVITY.** This Permit is not intended to grant any exclusive use to the described Premises.
- 6. INSURANCE.** Permittee shall provide proof of insurance coverage, including worker’s compensation, if necessary, in an amount satisfactory to the City Manager, and listing the City as an additional insured.
- 7. INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** Permittee agrees to indemnify, defend, and hold the City, its agents, and employees harmless from and against any and all liability, loss, suit, claim, judgment, fine, demand, damage, penalty, property damage, or personal injury of whatever kind, including sums paid in settlements of claims, attorney fees, consultant fees, expert fees, or costs incurred arising from or connected with the Permittee's use or occupation of the Premises. Permittee shall give the

City of Kenai reasonable notice of any such claims or actions. However, Permittee shall not be responsible for any damage or claims from the sole negligence, activities, or omission of the City or its agents or employees.

8. PERSONALITY. Permittee is solely responsible for the maintenance of the kiosk. Permittee must keep the kiosk and all other materials on the Premises clean and in good condition.

Permittee shall remove any and all personal property from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25.00 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee at or from the Premises.

9. NO WAIVER. 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.

10. MUTUAL CANCELLATION. This Permit may be cancelled in whole or in part with one month written notice by Permittee or the City.

11. 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.

12. ASSUMPTION OF RISK. Permittee shall provide all proper safeguards and shall assume all risks incurred in its use of the Premises.

13. NO JOINT VENTURE. 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. CONTACT INFORMATION. The contact information for Permittee, and the person in responsible charge for Permittee during the term of the Permit, for purposes of notice and all communications from City to Permittee is:

Alaska Geographic

Executive Director Andy Hall
421 W. 1st Ave, Ste. 250
Anchorage, AK 99501
(907) 771-8400

The contact information for City for purposes of notice and all communications from Permittee to City is:

Airport Administration
305 North Willow, Suite 200
Kenai, Alaska 99611
Telephone: (907) 283-8281

15. RIGHTS OR REMEDIES. No right or remedy herein conferred upon or reserved to each respective party is intended to be exclusive of any other right or remedy. Each and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder, or now or hereafter existing at law or in equity.

16. GOVERNING LAW; VENUE. The laws of State of Alaska will determine the interpretation of this Agreement and the performance thereof. Any lawsuit brought thereon shall be filed in the Third Judicial District at Kenai, Alaska.

17. AUTHORITY. By signing this Permit, Permittee represents that it has read this agreement and it agrees to be bound by the terms and conditions herein and that the person signing this Permit is authorized to bind Permittee.

CITY OF KENAI

By: _____

City Manager

ALASKA GEOGRAPHIC

By: _____
Andy Hall
Executive Director

Approved as to form:

Scott Bloom
City Attorney

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the ____ day of _____, 2022, the foregoing instrument was acknowledged before me by PAUL OSTRANDER, City Manager, of the City of Kenai, an Alaska municipal corporation, 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 _____, 2022, the foregoing instrument was acknowledged before me by ANDY HALL, Executive Director of Alaska Geographic, an Alaska non-profit corporation, on behalf of the corporation.

Notary Public for Alaska
My Commission Expires: _____



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager

DATE: June 9, 2022

SUBJECT: Kenai Municipal Airport Special Use Permit(s)

Annually, the Kenai Municipal Airport (ENA) issues reoccurring Special Use Permits (SUP's) for the use of airport apron and terminal space. The following SUP's have been requested and application fees paid.

- Empire Airlines, Inc. – 11,250 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Everts Air Fuel, LLC – 30,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Crowley Fuels, LLC – 35,000 square feet of airport apron space used for aircraft fueling services. Effective July 1, 2022 through June 30, 2023.
- United Postal Service Co., – 4,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Kenai Aviation Operations, LLC – 2,714 square feet of airport taxilane space used for aircraft parking. Effective May 1, 2022 through October 31, 2022.
- Alaska Air Fuel, Inc. – 15,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Alaska Geographic – 10 square feet of terminal space for vending machine. Effective July 1, 2022 through June 30, 2023.

Your consideration is appreciated.

SPECIAL USE PERMIT

The CITY OF KENAI (City) grants to UPSCO United Parcel Service Co., Inc. (Permittee), whose address is 6200 Lockheed Ave., Anchorage, AK 99502, a Special Use Permit to conduct aeronautical and/or aviation-related activities at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

1. **Premises.** Permittee shall have the non-exclusive right to use 4,000 square feet as described in the attached Exhibit A for the uses identified in this Permit.
2. **Term.** The term of this Permit shall be for 1 year commencing on July 1, 2022 and ending on June 30, 2023. Regardless of the date of signature, this Permit shall be effective as of July 1, 2022.
3. **Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:
 - A. **Permit:** Permittee shall pay a monthly fee of \$423.33 plus applicable sales tax.
 - B. **Proximity Card for Gate Access:** In addition to the general permit fee, Permittee shall pay a deposit of one hundred dollars (\$100.00) for the use of each proximity card issued to Permittee by City to allow for gate access to the Airport to conduct the uses permitted hereunder. City shall refund this deposit to Permittee when the card is returned to City. City may exercise a right of offset to apply the deposit to any outstanding balance due to City from Permittee at the termination of this Permit.
 - C. **Other Fees:** City may assess additional fees for aviation or aviation support activities and uses not defined in this Permit. If a fee has not been established for those activities or services, a fee will be established by the Airport Manager.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of ten percent (10%) per annum, and penalty of ten percent (10%) shall also be due (KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination)

4. Use. City authorizes Permittee's non-exclusive use of the Premises for the following purpose(s):

Aircraft Loading and Parking. **NOTE:** This permit does not guarantee the exclusive use of the area identified in Exhibit A. City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.

Permittee shall have the right of ingress and egress to the Airport using only designated gate access locations (which may require a proximity card) for the use of the Premises. This Permit, and any access rights allowed hereunder, are for Permittee's use only and may not be transferred or assigned.

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

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager or designated representative. The Airport Manager or designated representative reserves the right to designate reasonable areas where aircraft owners may perform services on their own aircraft.

5. Airport Operations. Permittee shall ensure that the Permittee, its employees, and guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

6. Inspection. The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

7. Coordination with Airport Management. Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

8. Radio Transmitting Equipment. Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

9. 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, City is entitled to coverage to the extent of the higher limits.

A. 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 include an endorsement under which the insurer extends coverage to Permittee’s fuel handling activities. 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 on the Airport. 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 thirty (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 July 1, 2022. The effective date of the insurance shall be no later than July 1, 2022.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

10. Assumption of Risk. Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

11. Indemnity, Defend, and Hold Harmless Agreement. Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City’s staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as “Liabilities”), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee’s activities on or use of the Premises, Permittee’s access to the Kenai Municipal Airport, and/or Permittee’s exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

12. Fuel Spill Prevention and Response Plan. Areas of the Apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the Apron and/or use of the Airport.

Permittee shall provide to City an acceptable fuel spill prevention and response plan and will maintain fuel spill and response capability. Permittee further agrees to have a copy of the fuel spill prevention and response plan located in the Permittee's fuel dispensing equipment at all times. Permittee must comply with the Airport's Storm Water Pollution Prevention Plan as appropriate to Permittee's activities.

Permittee shall not store any personal property, solid waste, petroleum products, Hazardous Material as defined by 14 CFR § 171.8, hazardous waste (ignitable, corrosive, reactive, or toxic) or any hazardous substance on any portion of the Airport. Permittee is aware that there are significant penalties for improperly disposing of the Hazardous Materials and other waste and for submitting false information regarding Hazardous Materials, including the possibility of fine and imprisonment for knowing violations.

Permittee shall immediately remove the material in the event of spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement or surface in or on any area of the Airport.

Permittee may not construct or install any above-ground or underground fuel storage tanks or dispensing systems at the Airport.

No person shall smoke on an aircraft-parking ramp, inside an aircraft hangar, or within fifty feet (50') of any aircraft fuel facility or fuel truck.

Permittee is subject to FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports, the National Fire Protection Associations' "Standard for Aircraft Fueling Servicing" in NFPA 407 (1996 version), and the current version of the International Fire Codes. All inspections of fuel facilities, by City or other regulating entities to which Permittee is subject, shall be conducted to assure compliance with the fire safety practices listed in these referenced documents.

13. Hazardous Substances and Materials. Permittee shall conform and be subject to the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

14. No Discrimination. Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

15. Licenses and Permits. Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

16. Compliance with Law/Grant Assurances. This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

17. No Exclusivity. The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

18. Assignment. The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

19. No Joint Venture. 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 or elsewhere at the Kenai Municipal Airport.

20. No Waiver. Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

21. Personalty. Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25.00 per day. The City of

Kenai is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

22. Termination; Default. This Permit may be terminated by either party hereto by giving thirty (30) days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than thirty (30) days, to protect public health and safety or due to a failure of Permittee to comply with condition or term of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

23. Landing Fees; Fee Schedule. Timely payment of landing fees and other required Airport fees is a condition of this Permit and, as such, failure to timely pay landing and other airport fees is grounds for termination. Without limiting the foregoing, Permittee shall pay landing fees for aircraft landings as set out in the City's comprehensive schedule of rates, charges and fees. Permittee shall make payment within thirty (30) days following the end of each month and without demand or invoicing from City. Permittee shall also provide Airport Administration with monthly certified gross take-off weight reports within ten (10) days following the end of each month for landings for the preceding month. Airport landing fees shall be paid at the Airport Administration Building, 305 North Willow Street, Suite 200, Kenai, AK 99611.

24. Impoundment. At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within ninety (90) days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three (3) consecutive weeks not more than thirty (30) days nor less than seven (7) days before the time of the auction.

25. Definitions. As used in this Permit, "Permittee" means UPSCO, United Parcel Service Co., Inc. and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.



4,000 sqft
UPS

Exhibit A



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Eland Conway, Airport Manager
DATE: June 9, 2022
SUBJECT: Kenai Municipal Airport Special Use Permit(s)

Annually, the Kenai Municipal Airport (ENA) issues reoccurring Special Use Permits (SUP's) for the use of airport apron and terminal space. The following SUP's have been requested and application fees paid.

- Empire Airlines, Inc. – 11,250 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Everts Air Fuel, LLC – 30,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Crowley Fuels, LLC – 35,000 square feet of airport apron space used for aircraft fueling services. Effective July 1, 2022 through June 30, 2023.
- United Postal Service Co., – 4,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Kenai Aviation Operations, LLC – 2,714 square feet of airport taxilane space used for aircraft parking. Effective May 1, 2022 through October 31, 2022.
- Alaska Air Fuel, Inc. – 15,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Alaska Geographic – 10 square feet of terminal space for vending machine. Effective July 1, 2022 through June 30, 2023.

Your consideration is appreciated.

4. Use. City authorizes Permittee's non-exclusive use of the Premises for the following purpose(s):

Aircraft Parking. NOTE: This permit does not guarantee the exclusive use of the area identified in Exhibit A. City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.

Permittee shall have the right of ingress and egress to the Airport using only designated gate access locations (which may require a proximity card) for the use of the Premises. This Permit, and any access rights allowed hereunder, are for Permittee's use only and may not be transferred or assigned.

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

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager or designated representative. The Airport Manager or designated representative reserves the right to designate reasonable areas where aircraft owners may perform services on their own aircraft.

5. Airport Operations. Permittee shall ensure that the Permittee, its employees, and guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

6. Inspection. The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

7. Coordination with Airport Management. Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

8. Radio Transmitting Equipment. Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

9. 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, City is entitled to coverage to the extent of the higher limits.

A. 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 include an endorsement under which the insurer extends coverage to Permittee’s fuel handling activities. 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 on the Airport. 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 thirty (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 May 1, 2022. The effective date of the insurance shall be no later than May 1, 2022.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

10. Assumption of Risk. Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

11. Indemnity, Defend, and Hold Harmless Agreement. Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City’s staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as “Liabilities”), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee’s activities on or use of the Premises, Permittee’s access to the Kenai Municipal Airport, and/or Permittee’s exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

12. Fuel Spill Prevention and Response Plan. Areas of the Apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the Apron and/or use of the Airport.

Permittee shall provide to City an acceptable fuel spill prevention and response plan and will maintain fuel spill and response capability. Permittee further agrees to have a copy of the fuel spill prevention and response plan located in the Permittee's fuel dispensing equipment at all times. Permittee must comply with the Airport's Storm Water Pollution Prevention Plan as appropriate to Permittee's activities.

Permittee shall not store any personal property, solid waste, petroleum products, Hazardous Material as defined by 14 CFR § 171.8, hazardous waste (ignitable, corrosive, reactive, or toxic) or any hazardous substance on any portion of the Airport. Permittee is aware that there are significant penalties for improperly disposing of the Hazardous Materials and other waste and for submitting false information regarding Hazardous Materials, including the possibility of fine and imprisonment for knowing violations.

Permittee shall immediately remove the material in the event of spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement or surface in or on any area of the Airport.

Permittee may not construct or install any above-ground or underground fuel storage tanks or dispensing systems at the Airport.

No person shall smoke on an aircraft-parking ramp, inside an aircraft hangar, or within fifty feet (50') of any aircraft fuel facility or fuel truck.

Permittee is subject to FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports, the National Fire Protection Associations' "Standard for Aircraft Fueling Servicing" in NFPA 407 (1996 version), and the current version of the International Fire Codes. All inspections of fuel facilities, by City or other regulating entities to which Permittee is subject, shall be conducted to assure compliance with the fire safety practices listed in these referenced documents.

13. Hazardous Substances and Materials. Permittee shall conform and be subject to the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

14. No Discrimination. Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

15. Licenses and Permits. Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

16. Compliance with Law/Grant Assurances. This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

17. No Exclusivity. The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

18. Assignment. The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

19. No Joint Venture. 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 or elsewhere at the Kenai Municipal Airport.

20. No Waiver. Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

21. Personalty. Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25.00 per day. The City of

Kenai is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

22. Termination; Default. This Permit may be terminated by either party hereto by giving thirty (30) days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than thirty (30) days, to protect public health and safety or due to a failure of Permittee to comply with condition or term of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

23. Landing Fees; Fee Schedule. Timely payment of landing fees and other required Airport fees is a condition of this Permit and, as such, failure to timely pay landing and other airport fees is grounds for termination. Without limiting the foregoing, Permittee shall pay landing fees for aircraft landings as set out in the City's comprehensive schedule of rates, charges and fees. Permittee shall make payment within thirty (30) days following the end of each month and without demand or invoicing from City. Permittee shall also provide Airport Administration with monthly certified gross take-off weight reports within ten (10) days following the end of each month for landings for the preceding month. Airport landing fees shall be paid at the Airport Administration Building, 305 North Willow Street, Suite 200, Kenai, AK 99611.

24. Impoundment. At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within ninety (90) days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three (3) consecutive weeks not more than thirty (30) days nor less than seven (7) days before the time of the auction.

25. Definitions. As used in this Permit, "Permittee" means Kenai Aviation and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.

Exhibit A





MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager

DATE: June 9, 2022

SUBJECT: Kenai Municipal Airport Special Use Permit(s)

Annually, the Kenai Municipal Airport (ENA) issues reoccurring Special Use Permits (SUP's) for the use of airport apron and terminal space. The following SUP's have been requested and application fees paid.

- Empire Airlines, Inc. – 11,250 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Everts Air Fuel, LLC – 30,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Crowley Fuels, LLC – 35,000 square feet of airport apron space used for aircraft fueling services. Effective July 1, 2022 through June 30, 2023.
- United Postal Service Co., – 4,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Kenai Aviation Operations, LLC – 2,714 square feet of airport taxilane space used for aircraft parking. Effective May 1, 2022 through October 31, 2022.
- Alaska Air Fuel, Inc. – 15,000 square feet of airport apron space used for aircraft parking and cargo operations. Effective July 1, 2022 through June 30, 2023.
- Alaska Geographic – 10 square feet of terminal space for vending machine. Effective July 1, 2022 through June 30, 2023.

Your consideration is appreciated.

SPECIAL USE PERMIT

The CITY OF KENAI (City) grants to ALASKA AIR FUEL, INC. (Permittee), whose address is 3700 W. Aviation Avenue, Wasilla, AK 99654, a Special Use Permit to conduct aeronautical and/or aviation-related activities at the Kenai Municipal Airport subject to the requirements and the conditions set forth below.

1. **Premises.** Permittee shall have the non-exclusive right to use 15,000 square feet as described in the attached Exhibit A for the uses identified in this Permit.
2. **Term.** The term of this Permit shall be for 1 year commencing on July 1, 2022 and ending on June 30, 2023. Regardless of the date of signature, this Permit shall be effective as of July 1, 2022.
3. **Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:
 - A. **Permit:** Permittee shall pay a monthly fee of \$725.00 plus applicable sales tax.
 - B. **Proximity Card for Gate Access:** In addition to the general permit fee, Permittee shall pay a deposit of One Hundred Dollars (\$100.00) for the use of each proximity card issued to Permittee by City to allow for gate access to the Airport to conduct the uses permitted hereunder. City shall refund this deposit to Permittee when the card is returned to City. City may exercise a right of offset to apply the deposit to any outstanding balance due to City from Permittee at the termination of this Permit.
 - C. **Other Fees:** City may assess additional fees for aviation or aviation support activities and uses not defined in this Permit. If a fee has not been established for those activities or services, a fee will be established by the Airport Manager.

Payment shall be directed to City of Kenai, ATTN: Finance Department, 210 Fidalgo Avenue, Kenai, AK 99611 and a courtesy notice of payment provided to Airport Administration at 305 North Willow Street, Suite 200, Kenai, AK 99611. All permit fees are payable in advance of each month unless otherwise provided. In the event of delinquency, interest at the rate of 10% per annum, and penalty of 10% shall also be due (KMC 1.75.010). Interest shall accrue from the date due until the date paid in full. Failure to timely make payments is grounds for termination of this Permit. (See ¶ 22, Termination)

4. **Use.** City authorizes Permittee's non-exclusive use of the Premises for the following purpose(s):

Aircraft Loading & Parking. NOTE: This permit does not guarantee the exclusive use of the area identified in Exhibit A. City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.

Permittee shall have the right of ingress and egress to the Airport using only designated gate access locations (which may require a proximity card) for the use of the Premises. This Permit, and any access rights allowed hereunder, are for Permittee’s use only and may not be transferred or assigned.

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

Permittee acknowledges that the use granted herein is subject to the Kenai Municipal Code and municipal regulations governing the Kenai Municipal Airport and as those laws and regulations may be amended from time to time.

Solicitation of donations or operation of a business or other commercial enterprise not contemplated by this Permit is prohibited without the written consent of City.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager or designated representative. The Airport Manager or designated representative reserves the right to designate reasonable areas where aircraft owners may perform services on their own aircraft.

5. Airport Operations. Permittee shall ensure that the Permittee, its employees, and guests, and anyone else acting by, on behalf of, or under the authority of Permittee on the Airport, that perform any repairs or activities authorized under this Permit act in a manner that ensures the safety of people and the Airport, the protection of public health and the environment, and the safety and integrity of the Airport and any premises on the Airport. Permittee shall employ qualified personnel and maintain equipment sufficient for the purposes of this provision. The Permittee shall immediately notify City of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, the safety of persons using the Airport, the public health or the environment, or the safety or integrity of any premises on the Airport.

6. Inspection. The Federal Aviation Administration (FAA) and/or City shall have the right and authority to inspect, at any time for any purpose whatsoever, the Premises as well as any and all equipment used by the Permittee under this Permit.

7. Coordination with Airport Management. Permittee shall coordinate all activities on the Airport with Airport Management, or a designated representative, and shall abide by all reasonable decisions and directives of the Airport Management regarding general use of the Airport by Permittee.

8. Radio Transmitting Equipment. Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

9. 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, City is entitled to coverage to the extent of the higher limits.

A. 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 include an endorsement under which the insurer extends coverage to Permittee’s fuel handling activities. 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 on the Airport. 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 July 1, 2022. The effective date of the insurance shall be no later than July 1, 2022.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

10. Assumption of Risk. Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Airport. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the Kenai Municipal Airport and its exercise of the privileges granted in this Permit.

11. Indemnity, Defend, and Hold Harmless Agreement. Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City’s staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as “Liabilities”), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee’s activities on or use of the Premises, Permittee’s access to the Kenai Municipal Airport, and/or Permittee’s exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

12. Fuel Spill Prevention and Response Plan. Areas of the Apron have been seal coated to protect asphalt from adverse effects of petroleum product spills. The City requires that

Permittee provide adequate absorbent materials and tools available on the Premises and at the airport in order to maintain a fuel spill and response capability. Permittee shall be liable for any damage caused by and costs associated with any spill, the cleanup of any spill, or the discharge of petroleum products or hazardous materials due to Permittee's use of the Apron and/or use of the Airport.

Permittee shall provide to City an acceptable fuel spill prevention and response plan and will maintain fuel spill and response capability. Permittee further agrees to have a copy of the fuel spill prevention and response plan located in the Permittee's fuel dispensing equipment at all times. Permittee must comply with the Airport's Storm Water Pollution Prevention Plan as appropriate to Permittee's activities.

Permittee shall not store any personal property, solid waste, petroleum products, Hazardous Material as defined by 14 CFR § 171.8, hazardous waste (ignitable, corrosive, reactive, or toxic) or any hazardous substance on any portion of the Airport. Permittee is aware that there are significant penalties for improperly disposing of the Hazardous Materials and other waste and for submitting false information regarding Hazardous Materials, including the possibility of fine and imprisonment for knowing violations.

Permittee shall immediately remove the material in the event of spillage or dripping of gasoline, oil, grease, or any other material which may be unsightly or detrimental to the pavement or surface in or on any area of the Airport.

Permittee may not construct or install any above-ground or underground fuel storage tanks or dispensing systems at the Airport.

No person shall smoke on an aircraft-parking ramp, inside an aircraft hangar, or within 50' of any aircraft fuel facility or fuel truck.

Permittee is subject to FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports, the National Fire Protection Associations' "Standard for Aircraft Fueling Servicing" in NFPA 407 (1996 version), and the current version of the International Fire Codes. All inspections of fuel facilities, by City or other regulating entities to which Permittee is subject, shall be conducted to assure compliance with the fire safety practices listed in these referenced documents.

13. Hazardous Substances and Materials. Permittee shall conform and be subject to the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

14. No Discrimination. Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

15. Licenses and Permits. Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

16. Compliance with Law/Grant Assurances. This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

17. No Exclusivity. The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the Airport.

18. Assignment. The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

19. No Joint Venture. 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 or elsewhere at the Kenai Municipal Airport.

20. No Waiver. Failure to insist upon a strict compliance with the terms, conditions, and requirements 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.

21. Personalty. Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25 per day. The City of Kenai

is not responsible for any damage to or theft of any personalty of Permittee or of its customers.

22. Termination; Default. This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety or due to a failure of Permittee to comply with condition or term of this Permit which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period under the circumstances to correct the violation or breach.

23. Landing Fees; Fee Schedule. Timely payment of landing fees and other required Airport fees is a condition of this Permit and, as such, failure to timely pay landing and other airport fees is grounds for termination. Without limiting the foregoing, Permittee shall pay landing fees for aircraft landings as set out in the City's comprehensive schedule of rates, charges and fees. Permittee shall make payment within 30 days following the end of each month and without demand or invoicing from City. Permittee shall also provide Airport Administration with monthly certified gross take-off weight reports within ten days following the end of each month for landings for the preceding month. Airport landing fees shall be paid at the Airport Administration Building, 305 North Willow Street, Suite 200, Kenai, AK 99611.

24. Impoundment. At the discretion of the Airport Manager, City may impound any aircraft parked on the Premises after termination of this Permit. Impoundment may be accomplished by affixing a seal to the door of the aircraft or the moving of the aircraft for impoundment purposes. Inconvenience or damage that may result from such movement will be at the risk of Permittee. An impoundment fee plus a towage fee shall be charged on each aircraft impounded. In addition, a daily storage fee shall be charged for each day the aircraft remains impounded. Any impounded aircraft that is not redeemed within 90 days after impoundment shall be considered abandoned and shall be subject to sale at public auction. Notice of any auction shall be published. Publication shall be in a newspaper of general circulation in that area for at least once during each of three consecutive weeks not more than 30 days nor less than seven days before the time of the auction.

25. Definitions. As used in this Permit, "Permittee" means Alaska Air Fuel, Inc. and where the context reasonably indicates, its officers, agents, and employees. "Airport" means the Kenai Municipal Airport.

Exhibit A





MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager

DATE: June 7, 2022

SUBJECT: **Kenai Municipal Airport – Fifth Amendment to Restaurant Concession Agreement**

On August 1, 2018 the City of Kenai entered into an Agreement for a Restaurant Concession with Situla LLC (d/b/a Brothers' Café) from August 1, 2018 through June 30, 2020 with the option to extend for an additional three (3) consecutive one-year terms if the City and concessionaire mutually agree in writing.

The Concessionaire requests to renew under the same terms and conditions.

Your consideration is appreciated.

**FIFTH AMENDMENT TO CITY OF KENAI
KENAI MUNICIPAL AIRPORT
RESTAURANT CONCESSION AGREEMENT**

James Hamilton and **Zachary Hamilton**, Co-Owners (Concessionaire), Situla LLC (d/b/a/ Brother’s Cafe, 1510 Kittiwake CT, Kenai, Alaska 99611, and the **CITY OF KENAI**, a municipal corporation, organized and existing under the laws of the State of Alaska (City), 210 Fidalgo Avenue, Suite 200, Kenai, Alaska 99611, entered into a contract for restaurant concession services at the Kenai Airport, beginning August 2, 2018.

Whereas: on August 1, 2018, the Kenai City Council adopted Resolution 2018-42, authorizing the City Manager to enter into a restaurant concession agreement with Concessionaire; and,

Whereas: on March 6, 2019, the Kenai City Council adopted Resolution 2019-14, authorizing the City Manager to amend the Agreement with Concessionaire to reflect a temporary adjustment to the fees and payments due; and,

Whereas: on June 3, 2020 the Kenai City Council adopted Resolution 2020-34 authorizing the City Manager to extend the Agreement through June 30, 2021;and,

Whereas: on December 16, 2020 the Kenai City Council adopted Resolution 2020-94 authorizing an additional change to the fee structure of the Agreement; and,

Whereas: pursuant to Article II of the Agreement, the City and Concessionaire mutually agree to extend the Agreement for the third successive one-year term.

Now, therefore, the City of Kenai and Concessionaire agree as follows:

1. Pursuant to Article II of the Restaurant Concession Agreement for the Kenai Municipal Airport, this Agreement is extended for the third one-year term extension beginning on July 1, 2022 and ending on June 30, 2023.
2. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

LESSOR:

CITY OF KENAI

Paul Ostrander, City Manager

CONCESSIONAIRE:

Situla LLC (d/b/a/ Brother's Café)

Situla LLC (d/b/a/ Brother's Café)

James Hamilton – Co-Owner

Zachary Hamilton – Co-Owner

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2022, James Hamilton, Co-Owner, Situla LLC (d/b/a/ Brother's Café), 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 Corporation.

Notary Public for Alaska
My Commission Expires:_____

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2022, Zachary Hamilton, Co-Owner, Situla LLC (d/b/a/ Brother's Café), 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 Corporation.

Notary Public for Alaska
My Commission Expires:_____

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2022, personally appeared before me, **PAUL OSTRANDER**, known to me and to me known to be the City Manager of the City of Kenai, Alaska, and who acknowledged before me that the foregoing instrument was freely and voluntarily executed on behalf of the City of Kenai, for the uses and purposes set forth and with full authority of the City of Kenai to do so.

Notary Public for Alaska
My Commission Expires:_____

Approved by Kenai City Council on _____

Approved as to lease form by City Attorney _____

Approved by Finance Director _____

Approved by City Manager _____



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3295-2022**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING CERTAIN PARCELS SOUTHEAST OF BEAVER LOOP ROAD ALONG BASIN VIEW WAY, KIM N ANG COURT, CUB COURT, AMES ROAD, AND DOLCHOK LANE FROM RURAL RESIDENTIAL TO RURAL RESIDENTIAL-1.

WHEREAS, the certain parcels identified in Exhibit A Southeast of Beaver Loop Road, along Basin View Way, Kim N Ang Court, Cub Court, Ames Road, and Dolchok Lane are currently zoned Rural Residential; and,

WHEREAS, the City of Kenai received a rezone application changing the zoning to Rural Residential-1 with a petition of the majority of property owners in the affected area in accordance with Kenai Municipal Code 14.20.270, Amendment procedures; and,

WHEREAS, the RR, and RR-1 zoning districts have the same intent per KMC 14.20.080 Rural Residential Zones for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment; and,

WHEREAS, the RR-1 Zone is consistent with residential development in the vicinity and will not impact residential housing or the quality of neighborhoods within the City; and,

WHEREAS, there are two primary differences between the RR and RR-1 zoning districts as identified in KMC 14.22.010 Land use table; one, there are more Principal Permitted Uses allowed in the RR district, a total of six, than the RR-1 district, a total of four; and two, there are more opportunities for Conditional Use Permit applications in the RR district, a total of 55, than the RR-1 district, a total of 20; and,

WHEREAS, the existing conditional use permits for the Guide Service at 909 Ames Road and Fabrication Facility at 911 Ames Road would be considered nonconforming uses per KMC 14.20.050, unable to expand, or move the nonconforming use from its existing state on the lot, without a conditional use permit granted by the Planning and Zoning Commission; and,

WHEREAS, the rezone is consistent with Goal 1 – Quality of Life: Promote and encourage quality of life in Kenai of the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan; and,

WHEREAS, the rezone is consistent with the Land Use Plan proposing a Low Density Residential land use for this neighborhood, from the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan; and,

WHEREAS, the City of Kenai Planning and Zoning Commission voted unanimously to recommend the properties be rezoned to Rural Residential-1 during a public hearing held at their meeting on May 25, 2022.

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

Section 1. Amendment of Section of Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.030 Establishment of Zones and Official Zoning Map is hereby amended as follows: Rezoning the certain parcels identified in the attached Exhibit A Southeast of Beaver Loop Road, and along Basin View

Way, Kim N Ang Court, Cub Court, Ames Road, and Dolchok Lane from Rural Residential to Rural Residential-1.

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 6TH DAY OF JULY, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: June 15, 2022
Enacted: July 6, 2022
Effective: August 5, 2022



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: June 7, 2022

SUBJECT: **Ordinance 3295-2022 – Rezone Parcels from Rural Residential to Rural Residential-1**

A completed application was submitted to the City requesting certain parcels Southeast of Beaver Loop Road, along Basin View Way, Kim N Ang Court, Cub Court, Ames Road, and Dolchok Lane (see Rezoning Boundary Map and Parcel List), be rezoned from Rural Residential (RR) to Rural Residential-1 (RR-1). Kenai Municipal Code (KMC) 14.20.270, Amendment procedures, describes initiation of zoning code and official map amendments. Zoning code amendments may be initiated by a submission of a petition by a majority of the property owners in the area for consideration if the area to be rezoned contains a minimum of one acre unless the amendment enlarges an adjacent district boundary. The application was submitted by Jerry C. Huf, 765 Ames Rd, Kenai AK, 99611 with a petition of a majority of the property owners in the area to be rezoned (see attached Exhibit A and Parcel List). The requested rezone meets the criteria for an amendment.

The intended reason for the rezoning provided in the application is the following:

1. Protect the rural, open quality of the residential neighborhood.
2. Preserve the residential character of a low density neighborhood environment.
3. Maintain the value of property, both monetary and non-monetary (quality of life for residents, use and enjoyment of their property).
4. Consistent with the City Comprehensive plan, specifically protect the livability of the existing neighborhood.

Analysis

The subject area proposed to be rezoned consists of parcels on Dolchok Lane, Cub Court, Kim N Ang Court, Basin View Way, Ames Road south of Beaver Loop Road, and parcels on the south side of Beaver Loop Road from Ames Road to Dolchok Lane (see attached Exhibit A and

Parcel List). All parcels inside and bordering the area proposed for rezoning are zoned Rural Residential (RR).

The RR, and RR-1 zoning districts have the same intent per KMC 14.20.080 Rural Residential Zones (RR, RR-1 Zones):

(a) *Intent.* The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will:
 - (A) Preserve the rural, open quality of the environment;
 - (B) Prevent health hazards in areas not served by public water and sewer.
- (2) To prohibit uses which would:
 - (A) Violate the residential character of the environment;
 - (B) Generate heavy traffic in predominantly residential areas.

Per KMC 14.24.010 Minimum lot area requirements are different, in that RR-1 does not allow for five or more dwelling units, and with a conditional use permit, the RR-1 requirements for minimum lot size is 22,400 sf. 2,400 sf more than in the RR district. Development requirements for RR and RR-1 are identical per KMC 14.24.020 General Requirements.

There are two primary differences between the RR and RR-1 zoning districts as identified in KMC 14.22.010 Land use table:

1. There are more Principal Permitted Uses allowed in the RR district, a total of six, than the RR-1 district, a total of four.
2. There are more opportunities for Conditional Use Permit applications in the RR district, a total of 55, than the RR-1 district, a total of 20.

Existing Conditional Use Permits Analysis

There are two existing conditional use permit properties in the area proposed for rezoning, a B&B/Guide Service at 909 Ames Road, and Welding & Metal Framing Business at 911 Ames Road. A B&B is a conditional use in the RR-1 district, and therefore, would be a conforming use if the parcel is rezoned. If the rezoning application is approved from RR to RR-1, existing conditional use permits for the Guide Service at 909 Ames Road and Fabrication Facility at 911 Ames Road would be considered nonconforming uses per KMC 14.20.050 Nonconforming lots, structures, and uses since those uses are not permitted in RR-1.

Nonconforming uses would be unable to expand, or move the nonconforming use from its existing state on the lot, without a conditional use permit granted by the Planning and Zoning Commission. The existing conditional use permits would still be transferable to a new property owner per KMC 14.20.150(l)(5).



Comprehensive Plan Analysis

The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Low Density Residential land use for this neighborhood. The Low Density Residential Land Use Classification is defined in the Comprehensive Plan:

“Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category”

The parcels proposed for rezoning have a similar land use, lot size and orientation, individual on-site water supply and wastewater disposal systems, with low density, and no sidewalks.

The 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan supports this rezoning in:

- Goal 1 – Quality of Life: Promote and encourage quality of life in Kenai.
 - Q-4: Promote the siting and design of land uses that are in harmony and scale with surrounding uses. A rezoning to RR-1 would align with the current low density residential character of the neighborhood.

The Kenai Planning and Zoning Commission considered this request during their meeting on May 25, 2022 and unanimously recommended City Council approve of the rezone request from the Rural Residential Zone to the Rural Residential-1 Zone. Thank you for your consideration.

Attachments:

Exhibit A and Parcel List

Rezoning Application

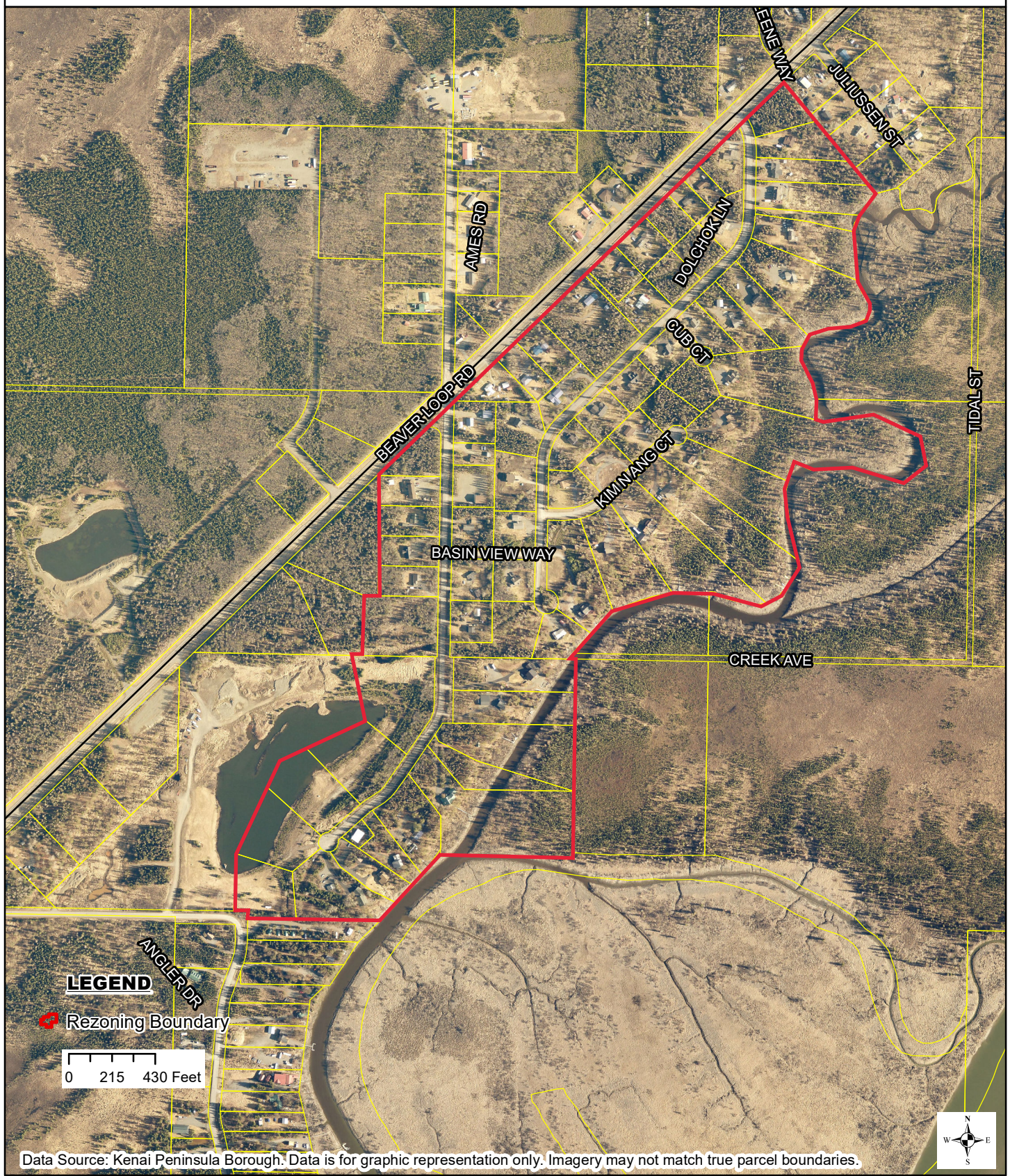
Planning and Zoning Commission Resolution PZ2022-12

Comments received after May 25, 2022 Planning and Zoning Public Hearing





PZ2022-12 Rezoning From Rural Residential (RR) to Rural Residential-1 (RR-1)



Parcel ID	Own Type	Use Type	Situs Address	Owner	Address	City, State ZIP	Acreeage	Legal
04926214	Private	Vacant	4544 BEAVER LOOP RD	KLABEN PAUL E & SUZANNE M	325 DOLCHOK LN	KENAI, AK 99611	1.02	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 1 BLK 4
04926213	Private	Residential	325 DOLCHOK LN	KLABEN PAUL E & SUZANNE M	325 DOLCHOK LN	KENAI, AK 99611	1.45	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 2 BLK 4
04926212	Private	Residential	335 DOLCHOK LN	BARNARD DENNIS L	335 DOLCHOK LN	KENAI, AK 99611	1.38	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 3 BLK 4
04926201	Private	Residential	350 DOLCHOK LN	CHRISTOPHERSON RUBY R	350 DOLCHOK LN	KENAI, AK 99611	1.08	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 1 BLK 3
04926039	Private	Residential	4460 BEAVER LOOP RD	SMITH JOSHUA T	4460 BEAVER LOOP RD	KENAI, AK 99611	0.5	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0750094 ANTWERP SUB LOT 2
04926202	Private	Residential	360 DOLCHOK LN	EVERY MICHAEL T	360 DOLCHOK LN	KENAI, AK 99611	0.94	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 2 BLK 3
04926211	Private	Residential	345 DOLCHOK LN	SCHLEHOFFER DEAN M	PO BOX 201565	ANCHORAGE, AK 99520	1.94	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 4 BLK 4
04926209	Private	Residential	355 DOLCHOK LN	CRIM BRENDA D	355 DOLCHOK LN	KENAI, AK 99611	2.25	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 5 BLK 4
04926210	Municipal	Vacant	351 DOLCHOK LN	KENAI CITY OF	210 FIDALGO AVE STE 200	KENAI, AK 99611	0.41	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 BLK 4 TRACT A
04926208	Private	Residential	365 DOLCHOK LN	ROSS DAVID	365 DOLCHOK LN	KENAI, AK 99611	3.7	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 6 BLK 4
04926038	Private	Residential	4444 BEAVER LOOP RD	POTTON WENDY M	PO BOX 1827	KENAI, AK 99611	0.5	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0750094 ANTWERP SUB LOT 1
04926055	Private	Vacant	4416 BEAVER LOOP RD	PLAGGE FRANZ A & HILDE A	4384 BEAVER LOOP RD	KENAI, AK 99611	0.76	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0770100 BASIN VIEW SUB NO 2 LOT 3 BLK 1
04926203	Private	Vacant	370 DOLCHOK LN	PLAGGE FRANZ A & HILDEGARD A	4384 BEAVER LOOP RD	KENAI, AK 99611	0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 3 BLK 3
04926026	Private	Residential	4384 BEAVER LOOP RD	PLAGGE FRANZ A & HILDEGARD A	4384 BEAVER LOOP RD	KENAI, AK 99611	1	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001601 KENAITZE SUB TRACT 1
04926043	Private	Vacant	390 DOLCHOK LN	PLAGGE FRANZ A & HILDEGARD A	4384 BEAVER LOOP RD	KENAI, AK 99611	1	T 5N R 11W SEC 1 SEWARD MERIDIAN KN THAT PORTION OF SW1/4 NW1/4 AS PER WD 81 @ 976
04926056	Private	Residential	4350 BEAVER LOOP RD	POOLE CHERYL L	4350 BEAVER LOOP RD	KENAI, AK 99611	0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0790197 SNOWFLAKE SUB LOT 1
04926057	Private	Residential	470 DOLCHOK LN	COSTON JOHN D & JEANNIE M	470 DOLCHOK LN	KENAI, AK 99611	1.08	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0790197 SNOWFLAKE SUB LOT 2
04926024	Private	Residential	4276 BEAVER LOOP RD	ROHR ZACHARY JAY	4276 BEAVER LOOP RD	KENAI, AK 99611	3	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001551 HUTCHINS SUB
04926023	Private	Residential	4224 BEAVER LOOP RD	PAULE IRMA B	4224 BEAVER LOOP RD	KENAI, AK 99611	1.12	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001580 COBB SUB LOT 3
04926101	Private	Residential	560 DOLCHOK LN	RIDDLE STEPHEN SMITH	560 DOLCHOK LN	KENAI, AK 99611	0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 5 BLK 2
04926022	Private	Residential	4200 BEAVER LOOP RD	RUSSELL ERIC R	4200 BEAVER LOOP RD	KENAI, AK 99611	0.88	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001580 COBB SUB LOT 2
04926021	Private	Residential	4192 BEAVER LOOP RD	STEINER STEVEN EDWARD	4192 BEAVER LOOP RD	KENAI, AK 99611	1	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0001580 COBB SUB LOT 1
04926133	Private	Residential	570 DOLCHOK LN	DANIEL PHILLIP D	570 DOLCHOK LN	KENAI, AK 99611	1.39	T 05N R 11W SEC 1 SEWARD MERIDIAN KN 2019018 BASIN VIEW SUB PETTEY-DANIEL REPLAT LOT 4A BLK 2
04926020	Private	Residential	505 AMES RD	STERLING COLTON N	505 AMES RD	KENAI, AK 99611	1	T 5N R 11W SEC 1 SEWARD MERIDIAN KN BEGINNING AT A POINT N 0 DEG 03 MIN E 368.3 FT FROM THE SW CORNER OF SEC 1 CONTINUE N 0 DEG 03 MIN E 2028.1 FT TH S 89 DEG 57 MIN E 30 FT TO THE POB TH CONTINUE S 89 DEG 57 MIN E 208.7 FT TH N 0 DEG 03 MIN E 208.7 FT TH N 89 DEG 57 MIN W 208.7 FT TO THE SO UTHEAST ROW LINE OF BEAVER LOOP RD TH ALONG THE EAST EDGE OF A 30 FT ROADWAY S 0 DEG 03 MIN W 208.7 FT TO THE POB
04926207	Private	Residential	375 DOLCHOK LN				1.67	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 7 BLK 4
04926206	Private	Residential	385 DOLCHOK LN	COOTS PETER M	385 DOLCHOK LN	KENAI, AK 99611	1.35	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 8 BLK 4
04926115	Private	Residential	455 CUB CT	CHEEK CRAIG & DEIRDRE	455 CUB CT	KENAI, AK 99611	3.05	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 10 BLK 4
04926130	Private	Residential	3080 KIM N ANG CT	BALDWIN BARBARA L	3080 KIM N ANG CT	KENAI, AK 99611	7.08	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0900025 BASIN VIEW SUB PART 4 LOT 20A BLK 4
04926131	Private	Residential	3070 KIM N ANG CT	ABLES MYKLE D & PAMELA J	3070 KIM N ANG CT	KENAI, AK 99611	3.64	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0900025 BASIN VIEW SUB PART 4 LOT 21A BLK 4
04926112	Private	Residential	3060 KIM N ANG CT	HOBART JASON	3060 KIM N ANG CT	KENAI, AK 99611	4.55	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 22 BLK 4
04926111	Private	Residential	3050 KIM N ANG CT				3.69	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 23 BLK 4
04926110	Private	Residential	3040 KIM N ANG CT	LARSON MARK L & ELAINE M	3040 KIM N ANG CT	KENAI, AK 99611	2.71	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 24 BLK 4
04926205	Private	Residential	395 DOLCHOK LN	MCCRAREN JAMIE L	395 DOLCHOK LN	KENAI, AK 99611	0.93	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 9 BLK 4
04926124	Private	Residential	485 DOLCHOK LN	MACK VIANN M	485 DOLCHOK LN	KENAI, AK 99611	0.99	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 11 BLK 4
04926116	Private	Vacant	465 CUB CT	BALDWIN C R & BARBARA L	3080 KIM N ANG CT	KENAI, AK 99611	1	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 19 BLK 4
04926117	Private	Vacant	3075 KIM N ANG CT	BALDWIN BARBARA L	3080 KIM N ANG CT	KENAI, AK 99611	0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 18 BLK 4
04926123	Private	Residential	495 DOLCHOK LN	LUECKER CASEY	495 DOLCHOK LN	KENAI, AK 99611	0.99	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 12 BLK 4
04926122	Private	Residential	555 DOLCHOK LN	WOLSTERMAN FRED J & MARILYN D	555 DOLCHOK LN	KENAI, AK 99611	0.99	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 13 BLK 4
04926118	Private	Residential	3065 KIM N ANG CT	JEREK MARK	3065 KIM N ANG CT	KENAI, AK 99611	0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 17 BLK 4
04926119	Private	Residential	3055 KIM N ANG CT				0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 16 BLK 4
04926121	Private	Residential	575 DOLCHOK LN	CHANLEY CLINT M	575 DOLCHOK LN	KENAI, AK 99611	0.94	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 14 BLK 4
04926120	Private	Residential	3035 KIM N ANG CT	MARSTON PATRICIA ANNE	3035 KIM N ANG CT	KENAI, AK 99611	0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 15 BLK 4
04926132	Private	Residential	590 DOLCHOK LN	KIPPI TIMOTHY J	590 DOLCHOK LN	KENAI, AK 99611	1.37	T 05N R 11W SEC 1 SEWARD MERIDIAN KN 2019018 BASIN VIEW SUB PETTEY-DANIEL REPLAT LOT 2A1 BLK 2
								T 5N R 11W SEC 1 SEWARD MERIDIAN KN BEGINNING AT THE MOST WESTERLY CORNER OF COBB SUB TH S 0 DEG 03 MIN W 208.7 FT TO THE POB TH S 0 DEG 03 MIN W 116.7 FT TH S 89 DEG 57 MIN E 208.7 FT TH N 0 DEG 03 MIN E 116.7 FT TH N 89 DEG 57 MIN W 208.7 FT TO POB
04926019	Private	Residential	515 AMES RD	BIERNER CASEY	515 AMES RD	KENAI, AK 99611	0.56	T 5N R 11W SEC 1 SEWARD MERIDIAN KN PTN OF NW1/4 SW1/4 BEGIN @SW CORNER OF MADISON COBB TRACT TH S ODEG 03'W 325.4 FT; TH S89 DEG 57'E 208.7 FT; TH N ODEG 03'E 208.7 FT; TH N89 DEG 57'W 208.7 FT; TH S ODEG 03'W 208.7 FT TO POB
04926018	Private	Residential	535 AMES RD	COOK STUART E	535 AMES RD	KENAI, AK 99611	1	T 5N R 11W SEC 1 SEWARD MERIDIAN KN NORTH 208.7 FT OF SOUTH 736.1 FT OF EAST 208.7 FT OF WEST 238.7 FT OF NW1/4 SW1/4
04926017	Private	Residential	609 AMES RD	MILLER NICHOLAS JOHNATHAN	609 AMES RD	KENAI, AK 99611	0.92	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 1 BLK 2
04926105	Private	Residential	610 DOLCHOK LN	BARNES NICK	5892 N FIVE MILE RD APT 102	BOISE, ID 83713	2.8	T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 25 BLK 4
04926109	Private	Residential	635 DOLCHOK LN	DUKOWITZ OWEN	635 DOLCHOK LN	KENAI, AK 99611	1.08	T 05N R 11W SEC 02 SEWARD MERIDIAN KN 2011031 MICHAEL J PELCH HOMESTEAD JR ADDN NO 2 LOT 1
04949036	Private	Vacant	510 AMES RD	PELCH MICHAEL J Jr	3230 HARLOW RD	EUGENE, OR 97401	1.03	T 05N R 11W SEC 02 SEWARD MERIDIAN KN 2011031 MICHAEL J PELCH HOMESTEAD JR ADDN NO 2 LOT 2
04949037	Private	Residential	520 AMES RD	MCBIRNEY BONNIE A	520 AMES RD	KENAI, AK 99611	1.03	T 05N R 11W SEC 02 SEWARD MERIDIAN KN 2011031 MICHAEL J PELCH HOMESTEAD JR ADDN NO 2 LOT 2
04949038	Private	Residential	600 AMES RD	THOMAS RYAN	2001 LINCOLN ST UNIT 2011	DENVER, CO 80202	1.03	T 05N R 11W SEC 02 SEWARD MERIDIAN KN 2011031 MICHAEL J PELCH HOMESTEAD JR ADDN NO 2 LOT 3
04949039	Private	Residential	620 AMES RD	MEYER DANIEL E	620 AMES RD	KENAI, AK 99611	1.03	T 05N R 11W SEC 02 SEWARD MERIDIAN KN 2011031 MICHAEL J PELCH HOMESTEAD JR ADDN NO 2 LOT 4

04926016	Private	Residential	625 AMES RD	DOUGLAS COLLEEN LYNN	625 AMES RD	KENAI, AK 99611
04926015	Private	Residential	3020 BASIN VIEW WAY	LANGHAM BENJAMIN D	PO BOX 3395	KENAI, AK 99611
04926129	Private	Residential	700 DOLCHOK LN			
04926106	Private	Vacant	710 DOLCHOK LN			
04926014	Private	Residential	715 AMES RD	IRELAND MOIRA	715 AMES RD	KENAI, AK 99611
04949040	Private	Residential	630 AMES RD	HOLTAN KEITH D	35555 KENAI SPUR HWY	SOLDOTNA, AK 99669
04904089	Private	Residential	765 AMES RD			
04904090	Private	Residential	785 AMES RD			
04949058	Private	Vacant		MADRID JACOB M	905 SALMON RUN DR	KENAI, AK 99611
04949024	Private	Residential	805 AMES RD	BARKER JOEL H	PO BOX 672167	CHUGIAK, AK 99567
04949025	Private	Vacant	835 AMES RD			
04904098	Private	Residential	855 AMES RD			
04949057	Private	Vacant				
04949056	Private	Vacant		ROGALSKY RONALD R	PO BOX 35	KENAI, AK 99611
04949055	Private	Vacant		ROGALSKY RONALD R	PO BOX 35	KENAI, AK 99611
04949054	Private	Vacant		ROGALSKY RONALD R	PO BOX 35	KENAI, AK 99611
04949019	Private	Residential	945 AMES RD			
04949018	Private	Residential	925 AMES RD	BRYANT WILLIAM G & BRENDA L	925 AMES RD	KENAI, AK 99611
04949023	Private	Residential	911 AMES RD	MILLER HARRIS N	911 AMES RD	KENAI, AK 99611
04949022	Private	Commercial	913 AMES RD	MILLER HARRIS N	911 AMES RD	KENAI, AK 99611
04949010	Private	Residential	909 AMES RD	SMITH KENNETH L & ELIZABETH	4243 FREEMAN CREEK RD	LENORE, ID 83541
04949046	Private	Vacant	710 AMES RD	MILLER NICHOLAS JOHN	609 AMES RD	KENAI, AK 99611

T 5N R 11W SEC 1 SEWARD MERIDIAN KN PTN NW1/4 SW1/4 BEGIN@ US GLO WCMC MONUMENT ON N BANK BEAVER CREEK N00 DEG 03'E 368.3 FT FROM SW CORN SEC 1; TH N00 DEG 03'E 1235 FT; TH S89 DEG 57'E 30 FT TO POB; TH S 89 DEG 57'E 208.7 FT TO CORN #2; TH N00 DEG 03'E 208.7 FT TO CORN #3; TH N89 DEG 57'W 1 208.7 FT TO CORN #4; TH S00 DEG 03'W 208.7 FT TO POB

T 5N R 11W SEC 1 SEWARD MERIDIAN KN NORTH 208.7 FT OF SOUTH 477.4 FT OF EAST 208.7 FT OF WEST 437.4 1 FT OF NW1/4 SW1/4

T 5N R 11W SEC 1 SEWARD MERIDIAN KN BASIN VIEW SUB NO 1 (KN770089) LOT 2 BLOCK 5 & BASIN VIEW SUB 1.07 PART 3 (KN830173) LOT 4 BLOCK 5

1.83 T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0830173 BASIN VIEW SUB PART 3 LOT 3 BLK 5

T 5N R 11W SEC 1 SEWARD MERIDIAN KN PTN OF NW1/4 SW1/4 DESCRIBED AS BEGINNING @WCMC ON N BANK OF BEAVER CREEK N00 DEG 03'E 368.3 FT FROM SW CORNER OF SEC 1; TH N00 DEG 03'E 1026.3 FT; TH S89 DEG 56'E 30 FT TO POB; TH S89 DEG 57'E 208.7 FT; TH N00 DEG 03'E 208.7 FT; TH N89 DEG 56'W 208.7 FT; 1 TH S00 DEG 03'W 208.7 FT TO POB

1.03 T 05N R 11W SEC 02 SEWARD MERIDIAN KN 2011031 MICHAEL J PELCH HOMESTEAD JR ADDN NO 2 LOT 5

2.31 T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0840045 JACK WEBB SUB TRACT 1

2.31 T 5N R 11W SEC 1 SEWARD MERIDIAN KN 0840045 JACK WEBB SUB TRACT 2

3.4 T 05N R 11W SEC 2 SEWARD MERIDIAN KN 2019067 THE LAKE AT KENAI 2016 ADDN PHASE 1 LOT 11

3.5 T 5N R 11W SEC 1 SEWARD MERIDIAN KN 2003021 TIDE VIEW HEIGHTS PADGETT REPLAT LOT 12A-1

1.5 T 5N R 11W SEC 1 SEWARD MERIDIAN KN 2003021 TIDE VIEW HEIGHTS PADGETT REPLAT LOT 12A-2

5.91 T 5N R 11W SEC 1 & 2 SEWARD MERIDIAN KN 0930085 TIDE VIEW HEIGHTS SUB LOT 13A

2.52 T 05N R 11W SEC 2 SEWARD MERIDIAN KN 2019067 THE LAKE AT KENAI 2016 ADDN PHASE 1 LOT 10

2.42 T 05N R 11W SEC 2 SEWARD MERIDIAN KN 2019067 THE LAKE AT KENAI 2016 ADDN PHASE 1 LOT 9

2.24 T 05N R 11W SEC 2 SEWARD MERIDIAN KN 2019067 THE LAKE AT KENAI 2016 ADDN PHASE 1 LOT 8

1.78 T 05N R 11W SEC 2 SEWARD MERIDIAN KN 2019067 THE LAKE AT KENAI 2016 ADDN PHASE 1 LOT 7

2.61 T 5N R 11W SEC 2 SEWARD MERIDIAN KN 0920062 BEAVER CREEK ESTATES SUB LOT 2

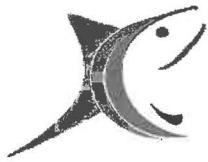
1.12 T 5N R 11W SEC 2 SEWARD MERIDIAN KN 0920062 BEAVER CREEK ESTATES SUB LOT 1

1.01 T 5N R 11W SEC 2 SEWARD MERIDIAN KN 0990034 BEAVER CREEK LOOKOUT LOT 2

0.28 T 5N R 11W SEC 2 SEWARD MERIDIAN KN 0990034 BEAVER CREEK LOOKOUT LOT 1

2.08 T 5N R 11W SEC 2 SEWARD MERIDIAN KN 0720049 CARO SUB LOT 1

2.58 T 05N R 11W SEC 2 SEWARD MERIDIAN KN 2019048 MICHAEL J PELCH HOMESTEAD JR ADDN NO 3 LOT 6A



Rezoning Application

RECEIVED

CITY OF KENAI

PLANNING DEPARTMENT

DATE 4/27/22

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

PETITIONER

Name:	Jerry C. Huf						
Mailing Address:	765 Ames Road	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-394-6994						
Email:	rustyhuf@yahoo.com						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (s):	
Physical Address:	710 Dolchok Kenai
Legal Description:	T 5N R 11W SEC 1 Seward Meridan: KN 0830173 Basin View Sub Part 3 Lot 3 Block 5

ZONING INFORMATION

Present Zone:	RR
Proposed Zone:	RR1

Intended Use and/or Reason for Rezoning (attach additional sheets if necessary):

1. Protect the rural, open quality of the residential neighborhood.
2. Preserve the residential character of a low density neighborhood environment.
3. Maintain the value of property, both monetary and non-monetary (quality of life for residents, use and enjoyment of their property).
4. Consistent with the City Comprehensive plan, specifically protect the livability of the existing neighborhood.

AMENDMENT PROCEDURE REQUIREMENTS

The area proposed to be rezoned contains a minimum of 1 acre (excluding street or alley rights-of-way), unless the amendment enlarges an adjacent zoning district boundary.	<input checked="" type="checkbox"/> YES
This proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous 9 months.	<input checked="" type="checkbox"/> YES
I understand a public hearing is required as outlined in the Kenai Zoning Code, a \$250 fee is required (\$265 total after tax), and that this application will be reviewed following Kenai City Code 14.20.270, available at kenai.municipal.codes/KMC/14.20.270.	<input checked="" type="checkbox"/> YES
I have included a map of the proposed rezone area and applicable signatures.	<input checked="" type="checkbox"/> YES

The proposed Zoning Code and Official Zoning Map Amendments is initiated by (check one):

- Kenai City Council
- Kenai Planning & Zoning Commission
- Petition of majority of the property owners in the area to be rezoned
- Petition bearing the signatures of 50 registered voters within the City of Kenai
- Petition as provided by the Home Rule Charter of the City of Kenai

PETITIONER'S SIGNATURE

Signature:			
Printed Name:	JERRY C HUF	Date:	4/27/2022

For City Use Only

Date Application Fee Received: 4/27/22
PZ Resolution Number: PZ 2022-12

REZONE APPLICATION – BASIN VIEW SUBDIVISION

1. Name of Property Owner: Jerry & Haf *
 Signature: Jerry & Haf
 Daytime Phone: 907-394-6994 Lot and Block Number: Part 3 Lot 3 BLK 5
 Mailing Address: 765 Ames Road Kenai AK 99611

2. Name of Property Owner: Owen Dukawitz
 Signature: Owen Dukawitz
 Daytime Phone: 907-394-1036 Lot and Block Number: Lot 25, BIK 4
 Mailing Address: 635 Dolchok Ln Kenai, AK 99611

3. Name of Property Owner: Elaine & Mark Larson
 Signature: Elaine M Larson
 Daytime Phone: 907-252-9808 Lot and Block Number: Part 3 Lot 24 BIK 4
 Mailing Address: 3040 Kim-N-Ang Ct Kenai, AK 99611

4. Name of Property Owner: Phillip & Kelsey Daniel
 Signature: Kelsey Daniel
 Daytime Phone: 907-252-7427 Lot and Block Number: Lot 4A, BIK 2
 Mailing Address: 570 Dolchok Lane, Kenai, AK 99611

5. Name of Property Owner: MARILYN & FRED Wolsterman
 Signature: Marilyn Wolsterman
 Daytime Phone: 907-252-7464 Lot and Block Number: Lot 13, BIK 4
 Mailing Address: 555 Dolchok Ln, Kenai 99611

6. Name of Property Owner: Richard Mock
 Signature: Richard Mock
 Daytime Phone: 907-252-3634 Lot and Block Number: 485 Dolchok LN
 Mailing Address: 485 Dolchok LN Kenai Alaska Lot 11, BIK 4

7. Name of Property Owner: John Costant
 Signature: [Signature]
 Daytime Phone: 907-277-3189 Lot and Block Number: _____
 Mailing Address: 470 Dolchok Lane, Kenai AK. 99611

8. Name of Property Owner: Trey West
 Signature: [Signature]
 Daytime Phone: _____ Lot and Block Number: Lot 9, Blk 4
 Mailing Address: 395 Dolchok Lane, Kenai AK 99611

9. Name of Property Owner: Rebecca Schultz
 Signature: [Signature]
 Daytime Phone: 360-584-4208 Lot and Block Number: _____
 Mailing Address: 375 Dolchok Ln

10. Name of Property Owner: Suzanne Klaben
 Signature: [Signature]
 Daytime Phone: 252-9042 Lot and Block Number: Lot 2, Blk 4
 Mailing Address: 325 Dolchok lane

11. Name of Property Owner: Franz Plogg
 Signature: [Signature]
 Daytime Phone: 283-4480 Lot and Block Number: Lot 3, Blk 3 /
 Mailing Address: 4384 Beaver Loop

12. Name of Property Owner: Maggie Rohr
 Signature: [Signature]
 Daytime Phone: 907-953-9575 Lot and Block Number: _____
 Mailing Address: 4276 Beaver Loop, Kenai, AK 99611

REZONE APPLICATION – BASIN VIEW SUBDIVISION

13 • Name of Property Owner: Ruby Christopherson
 Signature: Ruby Christopherson
 Daytime Phone: 907-953-0951 Lot and Block Number: Lot 1, BIK 3
 Mailing Address: 350 Dolchok Lane
Kenai Alaska 99611

14 • Name of Property Owner: Clint + Tabatha Chanley
 Signature: Tabatha Chanley
 Daytime Phone: 907 690 0145 Lot and Block Number: Lot 14, BIK 4
 Mailing Address: 575 dolchok
Kenai AK 99611

15 • Name of Property Owner: Mark Jurek
 Signature: Mark Jurek
 Daytime Phone: 713 582 6601 Lot and Block Number: Lot 17, BIK 4
 Mailing Address: 3065 Kim N Ang Ct.
Kenai AK 99611

16 • Name of Property Owner: BARBARA L. BALDWIN
 Signature: Barbara L. Baldwin
 Daytime Phone: 907-283-7086 Lot and Block Number: Lot 20A, BIK 4
 Mailing Address: 3080 Kim-n-Ang Ct
Kenai, Alaska 99611

17 • Name of Property Owner: Charles R. Baldwin
 Signature: [Signature]
 Daytime Phone: 907 283 7086 Lot and Block Number: Lot 19 BIK 4
 Mailing Address: 3080 Kim-N-Ang Ct.
Kenai, AK 99611

18 • Name of Property Owner: Charles R. Baldwin
 Signature: [Signature]
 Daytime Phone: 907 283 7086 Lot and Block Number: Lot 18 BIK 4
 Mailing Address: 3080 Kim N Ang Ct.
Kenai AK 99611

REZONE APPLICATION – BASIN VIEW SUBDIVISION

19 Name of Property Owner: Dennis L. Barnard
 Signature: [Signature]
 Daytime Phone: 398-9156 Lot and Block Number: Lot 3, BIK 4
 Mailing Address: 335 Dolchok Lane

20 Name of Property Owner: Lloyd MARSTON
 Signature: [Signature]
 Daytime Phone: 907-252-0723 Lot and Block Number: Lot 15, BIK 4
 Mailing Address: 3035 KIM-N-ANG CT
KENAI, AK 99611

21 Name of Property Owner: JASON HOBART
 Signature: [Signature]
 Daytime Phone: 907-318-5809 Lot and Block Number: Lot 22, BIK 4
 Mailing Address: 3060 KIM N ANG


22 Name of Property Owner: Charlotte Coots
 Signature: [Signature]
 Daytime Phone: 907 299 2173 Lot and Block Number: Lot 8, BIK 4
 Mailing Address: 385 Dolchok Lane Kenai AK 99611

23 Name of Property Owner: PETER M. COOTS
 Signature: [Signature]
 Daytime Phone: (917) 252-0332 Lot and Block Number: Lot 8, BIK 4
 Mailing Address: 385 DOLCHOK LANE KENAI AK 99611

24 Name of Property Owner: Amber Every
 Signature: [Signature]
 Daytime Phone: 907-252-8224 Lot and Block Number: Lot 2, BIK 3
 Mailing Address: 360 Dolchok LN Kenai, AK 99611

REZONE APPLICATION – BASIN VIEW SUBDIVISION

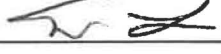
Name of Property Owner: Casey Luecker

25 Signature: 

Daytime Phone: 907-717-9140 Lot and Block Number: Lot 12, BIK 4

Mailing Address: 495 Dolchok, Kenai, AK, 99611

26 Name of Property Owner: Tessa Luecker

Signature: 

Daytime Phone: 907-347-2654 Lot and Block Number: Lot 12, Block 4

Mailing Address: 495 Dolchok Ln, Kenai AK 99611

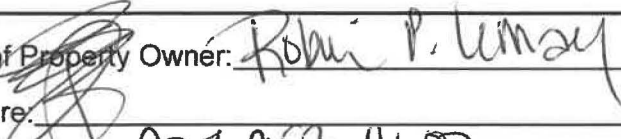
27 Name of Property Owner: Ashli Kippi

Signature: 

Daytime Phone: 907-953-3601 Lot and Block Number: Lot 2A1, BIK 2

Mailing Address: 590 Dolchok Lane Kenai, AK 99611

28 Name of Property Owner: Robin P. Lemay

Signature: 

Daytime Phone: 907-953-4600 Lot and Block Number:

Mailing Address: 3055 Kim. N. Ang Ct Kenai

29 Name of Property Owner: David Lemay

Signature: 

Daytime Phone: 907-3946094 Lot and Block Number:

Mailing Address: 3055 Kim. N. Ang Ct Kenai

30 Name of Property Owner: Mykle Ables

Signature: 

Daytime Phone: 907-953-7854 Lot and Block Number: Lot 21A, Block 4

Mailing Address: 3070 Kim-N-Ang Ct. Kenai 99611

REZONE APPLICATION – BASIN VIEW SUBDIVISION

31

Name of Property Owner: Pamela Abdes
Signature: Pamela Abdes
Daytime Phone: (907) 953 9091 Lot and Block Number: Lot 21 A, Block 4
Mailing Address: 3070 Kim W Aug Ct Kenai AK 99611

32

Name of Property Owner: Leigh Langham
Signature: Langham
Daytime Phone: (907) 394-8363 Lot and Block Number: _____
Mailing Address: PO Box 3395 Kenai AK 99611

Name of Property Owner: Lara Ross
Signature: Lara Ross
Daytime Phone: 907-252-8247 Lot and Block Number: Lot 6, BIK 4
Mailing Address: 365 Dolchok Lane, Kenai, AK 99611

Name of Property Owner: David Ross
Signature: DR
Daytime Phone: 394-3555 Lot and Block Number: Lot 6, BIK 4
Mailing Address: 365 Dolchok Ln. Kenai, AK 99611

Name of Property Owner: _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____

Name of Property Owner: _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____


REZONE APPLICATION – BASIN VIEW SUBDIVISION

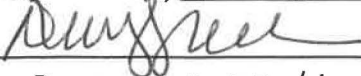
Name of Property Owner: _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____

Name of Property Owner: _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____

Name of Property Owner: _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____

Name of Property Owner(s): _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____

Name of Property Owner(s): Craig Cheek
Signature: 
Daytime Phone: 9072528347 Lot and Block Number: Lot 10, Blk 4
Mailing Address: 455 Cub Court, Kenai 99611
Basin View Subdivision

Name of Property Owner(s): Deirdre Cheek
Signature: 
Daytime Phone: 9072528346 Lot and Block Number: Lot 10, Block 4
Mailing Address: 455 Cub Court, Kenai 99611
Basin View Subdivision

REZONE APPLICATION – BASIN VIEW SUBDIVISION

Name of Property Owner: Keith D Holtan, Jane V Mathies Holtan

Signature: Keith Holtan Jane V. Mathies Holtan

Daytime Phone: 907-394-1963 Lot and Block Number: Pelch Homestead Addn No 2 Lot 5

Mailing Address: 35555 Kenai Spur Hwy #236 630 Ames Rd
Soldotna AK 99669 Kenai AK 99611

Name of Property Owner: Branda Madrid e Jacob Madrid

Signature: Branda Madrid

Daytime Phone: 907-252-5999 Lot and Block Number: 800 Ames

Mailing Address: 905 Salmon Run Dr. Kenai AK 99611

Name of Property Owner: Brenda Grim

Signature: Brenda Grim

Daytime Phone: 907-351-5654 Lot and Block Number: _____

Mailing Address: 355 Dolchok Ln, Kenai AK 99611

Name of Property Owner: Moira Ireland

Signature: M Ireland

Daytime Phone: 907-398-3895 Lot and Block Number: _____

Mailing Address: 715 Ames Road
Kenai AK

Name of Property Owner: Ben Langham

Signature: Ben Langham

Daytime Phone: 907-690-1218 Lot and Block Number: _____

Mailing Address: PO Bx 3395 Kenai, AK 99611
3020 Basin View Way - Kenai, AK

Name of Property Owner: Dan Meyer

Signature: Dan Meyer

Daytime Phone: 309-462-3826 Lot and Block Number: _____

Mailing Address: 620 Ames Rd Kenai AK

REZONE APPLICATION - BASIN VIEW SUBDIVISION

Name of Property Owner: Ronald Rogalsky Mary Loveland

Signature: R Rogalsky M Loveland

Daytime Phone: 907-398-9238 Lot and Block Number: lot 2 Beaver Creek Estates

Mailing Address: PO Box 35 Kenai AK 99611 04949019
945 AMES Rd

Name of Property Owner: Ronald Rogalsky Mary Loveland

Signature: R Rogalsky M Loveland

Daytime Phone: 907-398-9238 Lot and Block Number: lot 7 The Lake at Kenai

Mailing Address: PO Box 35 Kenai AK 99611 04949054
1003 Angler Dr

Name of Property Owner: Ronald Rogalsky Mary Loveland

Signature: R Rogalsky M Loveland

Daytime Phone: 907-398-9238 Lot and Block Number: Lot 8 The Lake at Kenai

Mailing Address: PO Box 35 Kenai AK 99611 04949055
920 AMES Rd

Name of Property Owner: Ronald Rogalsky Mary Loveland

Signature: R Rogalsky M Loveland

Daytime Phone: 907-398-9238 Lot and Block Number: Lot 9 The Lake at Kenai

Mailing Address: PO Box 35 Kenai AK 99611 04949056
910 AMES Rd

Name of Property Owner: _____

Signature: _____

Daytime Phone: _____ Lot and Block Number: _____

Mailing Address: _____

Name of Property Owner: _____

Signature: _____

Daytime Phone: _____ Lot and Block Number: _____

Mailing Address: _____

REZONE APPLICATION – BASIN VIEW SUBDIVISION

Name of Property Owner: Jerry C Haf

Signature: [Signature]

Daytime Phone: 394 6994 Lot and Block Number: TRACT 1 JACK web Sub.

Mailing Address: 765 Ames Road Kenai AK 99611

Name of Property Owner: Casey Diener

Signature: [Signature]

Daytime Phone: (907) 394-8325 Lot and Block Number: _____

Mailing Address: 515 Ames Rd.
Kenai AK 99611

Name of Property Owner: Colton Sterling

Signature: [Signature]

Daytime Phone: 907-395-7512 Lot and Block Number: _____

Mailing Address: 505 Ames Rd Kenai, AK 99611

Name of Property Owner: _____

Signature: _____

Daytime Phone: _____ Lot and Block Number: _____

Mailing Address: _____

Name of Property Owner: _____

Signature: _____

Daytime Phone: _____ Lot and Block Number: _____

Mailing Address: _____

Name of Property Owner: _____

Signature: _____

Daytime Phone: _____ Lot and Block Number: _____

Mailing Address: _____

REZONE APPLICATION – BASIN VIEW SUBDIVISION

Name of Property Owner: Hildegard A. Plagge
Signature: Hildegard A. Plagge
Daytime Phone: 907-283-4488 Lot and Block Number: _____
Mailing Address: 4384 Beaver Loop Rd. Kenai AK 99611-8323

Name of Property Owner: Hildegard A. Plagge
Signature: Hildegard A. Plagge
Daytime Phone: 907-283-4488 Lot and Block Number: _____
Mailing Address: 4384 Beaver Loop Rd. Kenai AK 99611-8323

Name of Property Owner: Hildegard A. Plagge
Signature: Hildegard A. Plagge
Daytime Phone: 907-283-4488 Lot and Block Number: _____
Mailing Address: 4384 Beaver Loop Rd. Kenai AK 99611-8323

Name of Property Owner: BRENDA BRYANT
Signature: Brenda Bryant
Daytime Phone: 907 394-1250 Lot and Block Number: _____
Mailing Address: 925 AMES Rd Kenai AK 99611

Name of Property Owner: _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____

Name of Property Owner: _____
Signature: _____
Daytime Phone: _____ Lot and Block Number: _____
Mailing Address: _____



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-12**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI APPROVE THE REZONE REQUEST AS DEPICTED ON THE REZONING BOUNDARY MAP AND ADDRESS LIST FROM RURAL RESIDENTIAL TO RURAL RESIDENTIAL-1

WHEREAS, the City of Kenai received a rezone application from the majority property owners in accordance with Kenai Municipal Code 14.20.270, Amendment procedures; and,

WHEREAS, the area proposed to be rezoned contains a minimum of 1 acre (excluding street or alley rights-of-way); and,

WHEREAS, the proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous 9 months; and,

WHEREAS, a map has been included of the proposed rezone area and applicable signatures; and,

WHEREAS, The RR-1 Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment; and,

WHEREAS, access to the area to be rezoned is provided via Beaver Loop Road, Dolchok Lane, Cub Court, Kim N Ang Court, Basin View Way, and Ames Road; and,

WHEREAS, the Conditional Use Permit for a B&B at 909 Ames Road is a conditional use in the RR-1 zoning district; and,

WHEREAS, the Conditional Use Permit for a Guide Service at 909 Ames Road and a Welding Fabrication Facility at 911 Ames Road are not permitted in the RR-1 zoning district and would be considered a nonconforming use in the RR-1 zoning district; and,

WHEREAS, the rezone is consistent with Goal 1 – Quality of Life: Promote and encourage quality of life in Kenai of the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan.

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

Section 1. That the Kenai City Council approve of the rezone request of the attached rezoning boundary and address list from Rural Residential (RR) to Rural Residential-1 (RR-1).

Resolution No. PZ2022-12

Page 2 of 2

Section 2. That a copy of Resolution PZ2022-12 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 25th day of May, 2022.



JEFF TWAIT, CHAIRPERSON

ATTEST:



MEGHAN THIBODEAU, DEPUTY CITY CLERK

May 26, 2022
Kenai, AK

Kenai City Council
210 Fidalgo Avenue
Kenai, AK 99611

RE: Support for Resolution No. 2022-12 A

Dear Sirs:

We would like to voice our support for the Resolution No. 2022-12 A, recommending the approval of rezoning our property from Rural Residential to Rural Residential 1.

We did not sign the original petition in an effort to maintain a neutral position regarding the rezoning. After attending last night's Planning & Zoning meeting, **we would like to take a position supporting the rezoning.** Please include this letter with the pack to be presented to the Kenai City Council.

The descriptions of our three properties are shown below:

Parcel 04949025 Private Vacant 835 AMES RD 1.5 T 5N R 11W SEC 1 SEWARD MERIDIAN KN 2003021 TIDE VIEW HEIGHTS PADGETT REPLAT LOT 12A-2

Parcel 04904098 Private Residential 855 AMES RD 5.91 T 5N R 11W SEC 1 & 2 SEWARD MERIDIAN KN 0930085 TIDE VIEW HEIGHTS SUB LOT 13A

Parcel 04949057 Private Vacant 2.52 T 05N R 11W SEC 2 SEWARD MERIDIAN KN 2019067 THE LAKE AT KENAI 2016 ADDN PHASE 1 LOT 10

Please contact me at 907/350-2103 if you have questions or concerns.

Sincerely,



Mack Padgett



Carol Padgett

907.350.2103

3050 Kim N Ang Ct.,
Kenai, Alaska 99611
(907) 398-3117
May 30, 2022

The City of Kenai Alaska City Mayor and City Council

Subject: Rezoning Application PZ2022-12 Review

Honorable Mayor and Members: We the owners of Lot 23 Block 4 of Basin View Subdivision request that you review our attached list of disagreements prior to the approval of the proposed Rezoning change to our subdivision. We not only find the petition unwarranted but the true facts of which stems to the root of the problem has not been addressed. We would request you visit our subdivision, Basin View, prior to your meeting for approval on this Resolution and we will challenge you to show justification why these new rezoning restrictions are necessary.

After reviewing our subdivision take a trip down Beaver Loop Road and review the affected properties there, after that take a trip down Ames Road and hopefully you will see why after 40 years living in Basin View we disagree with the rezoning. If anyone needs the rezoning Ames Road does, so do not change our subdivision just to pacify the desires of seven residences who are the instigators of this smoke screen.

Sincerely,



Charles Eubank

3050 Kim N Ang Ct.,
Kenai, Alaska 99611
(907) 398-3117
May 30, 2022

Kenai City Council

Subject: Planning and Zoning Commission Resolution PZ2022-12

Dear City Council Members:

We are residents and the owners of Lot 23, Block 4 Basin View Subdivision. We have lived in this subdivision 39 years making us the oldest residents. Fortunately, being retired we are able to seek warmer climates in the winter for old bones, but unfortunately being away, we are handicapped when it comes to changes to our neighborhood even though we still receive our mail at our residence 3050 Kim N Ang Ct., Kenai, Alaska along with we have provided contact information to our homeowner's association so we could be notified of changes that impact our property. The monetary value of our could significantly change because of this proposed Zoning Resolution and we expect it to decrease in value. In this case we had a disagreeable discussion with the elected President of our Homeowner's Association referencing this very subject, he knew our position on why this proposed rezoning was not our desire yet he conveniently failed to notify us of his attempt to change the zoning and as you can see the date of the proposal, conveniently to him which we were out of the area.

History of conflicts within Basin View Subdivision

In our first 37 years we had the Superintendent of public schools tried to operate a sled dog team out of his residence, his effort was stopped by the City of Kenai Animal Control Division and by using our subdivisions, no sled dog provision to our covenants that was enforced by the Circuit Court. An additional animal control problem was highlighted when my Labrador Retriever was accused of eating a neighbor's bird seed, oh well I guess even a dog can have a weak moment, but I had to pay to get her out of dog jail.

Year 2021, our Subdivision's owners were united and successful in rejecting a fishing guide operation and Bed and Breakfast on a lot within the subdivision. The action was possible due to subdivision covenant, and it protected our subdivision's single family dwelling clause along with the no commercial business restriction.

Year 2022 the most unnecessary proposal that we have seen in our 39 years. It will have a negative effect on our self-governed way of life that we have enjoyed since we purchased our property. The contract as written when we purchased our property contained covenants we desired and has worked well when used in conjunction with state, borough and city permits and restrictions. These controlling factors have always protected our subdivision with the exact reason for rezoning given on the PZ2022-12 Rezoning Application, so why change zoning?

Now we have a group of property owners from another adjoining subdivision of which have no protection of an existing Covenants and no Homeowners Association that protect their property come into our subdivision go door to door and spread unproven rumors of what they say is illegal activities that have been happening at a guide service and that the City of Kenai and the Police Department (will not take any action) to remove the guide service conditional use permit. We summarize that they are of a belief that complete rezoning of our subdivision, and the other adjoining selected lots/subdivisions will cure this great threat of a Guide business invasion into all adjoining subdivisions. This only sends a message to us that they believe the more restrictions that are placed on individuals or communities will fix everything. We have only found in our 76 years of life the less government intervention and unnecessary regulations fits a more harmonious way of life and everyone seems to get along better.

It seems that when individuals or groups of individuals are proven to be habitual complainers at City Hall and are only attempting to cause unwarranted disruption in other residents' way of life just to satisfy their desires, these folks need to be informed that this pattern cannot continue and will not be tolerated. Also, all petitions they submit should be closely scrutinized and validity of their complaint or action be proven. This is the City of Kenai's responsibility. Please do some reinvestigating before allowing a requested action to go forward and waste's the City's time and money.

What effect will rezoning have on us personally as property owners, and others and what has mandated this request for rezoning.

- 1.) It will limit conditional use permit categories of which could have a negative effect on the City's Comprehensive Plan by reducing the taxable income from businesses to the city.
- 2.) Working from home since COVID and beyond must have its license requirements, since it is a business and generates income and is reportable to the IRS. It falls into the land use code of Personal Services we guess ,of which is not available under the RR1 code. This alone is one more unnecessary element that rezoning causes and do not try to push it aside because it is a required subdivision item, which is a business and is to be treated as such so what conditional use code fits this situation?
- 3.) Our property value along Beaver Creek which has Kenai River access frontage of which in this case, is all that matters. It will suffer or be reduced by limiting the sale of our property to selected groups and will eliminate any possibility of a guide service getting a Conditional Use Permit, even though there are numerous permits with a quarter mile of our property. This is not allowing us to have equal treatment as those who have Conditional Use Permits that are located on adjacent subdivisions i.e.: Jack Webb Subdivision and Angler Drive, of which Jack Webb is part of the rezoning and is directly downstream of our property and will enjoy their Conditional Use Permits being grandfathered and transferrable. As you can see, we are going to be penalized and all properties in each area should be treated equally as far as use restrictions. One statement I will add is the individual who initiated the rezoning application stated to me that his desire was to stop boat traffic on the

upper portion of Beaver Creek which he wants to be a river cop and believes rezoning will result in less boat traffic due to eliminating Conditional Use Permits.

- 4.) If rezoning is approved, then we can foresee an increase in our property tax since we will be living in a more highly regulated area and will be receiving nothing extra as far as services from the City or Borough. This to me is not the answer that more restrictions may bring.
- 5.) For the residence of the Jack Webb subdivision these individuals should get some skin in the game before trying to change zoning and portray it as the cure all for their problem and ours in Basin View Subdivision. We the residents/owners of Basin View are being used as a tool by the residents of Jack Webb to sell this rezoning as a cure-all to their subdivisions problems and not the weak reason of protecting the residential character of the neighborhoods. The residential character of our Basin View Subdivision has experienced no change in 40 years except the spruce beetles have killed thousands of trees, so why not concentrate our efforts on items that come up that require attention and stay out of the infighting in other subdivisions? We do not need rezoning; the instigators of this rezoning plan do.
- 6.) The code only places additional restrictions on property owners and will not cure the existing cause of the problem, simple solution, the City needs to enforce the restrictions they have on conditional use permits, since a guide business bordering on Ames Road has been accused of operating an illegal business and residence at the end of Ames Road have had no help from the City addressing the problem they have. Get to the heart of the problem and address the concerns and leave others out of it. Stop using the shotgun approach by shooting at everyone and hope you hit the right solution that will cure all.

Why not rezone?

- 1.) This is a clear case of SPOT ZONING why is this the case. The City Planning and Zoning Department has taken an entire area, which includes we believe, five different subdivisions and portrayed it as one, Basin View Subdivision, we believe this is an attempt to cover up Spot Zoning (see attached definition of Spot Zoning) and only show one subdivision with which they are dealing with, we believe Basin View is the only one protected by covenants?
- 2.) Review the Rezoning Application. Mr. Huf the Petitioner listed his address as 765 Ames Road of which is not part of Basin View Subdivision and his property as Basin View of which he has indicated he owns. One problem is he dated his application 20 years ago of which is no big deal all of us live somewhere in the past, but what is important all property owners listed on the Rezone Application-Basin View Subdivision do not live in Basin View, is this a smoke screen to cover up Spot Zoning, and to add to that, why are more than one name listed for same properties. All the property owners in Basin View were not notified of these proposed changes since they were out of state, but the President and Secretary of the Basin View had there mailing address and phone number, and no attempt was made to contact them.

- 3.) The Conditional Use Permits are a useful tool and should be used and their conditions policed, not eliminated, some residents have indicated they desire elimination to take place, which is not a smart request.
- 4.) In this case we know that the residents of Jack Webb Subdivision and the individual residents whose property abuts Fosters Fish Camp/Guide Service, have complained to the City of accused illegal activities for years and we believe that their frustration with no action from the City has led to this uncalled for, Rezoning.
- 5.) What is the City's comprehensive zoning plan for the area, and if there is none why not?
- 6.) All properties are not equal as far as accessibility to special activities, river access, fishing and the convenience of having dock facilities adjacent to your property. I personally have knowledge there are numerous docks on Beaver Creek that are not in compliance with their owners Kenai River Dock Permits, do we want to open this can of worms, also how about the other businesses that are operating that do not have Conditional Use Permits?
- 7.) You have residence within Basin View Subdivision taking photos of people awaiting a Guide business to take them fishing, do we really know the whole story. We have personal family friends that visit each year from other countries that park their rented recreational vehicle at our residence and have full use of our docking facility, Must we look forward to their being harassed and us being accused of illegal activities, well to be honest with you if that happens, they are opening a hornet's nest.

Our recommendations and we hope you are open to considering them.

- 1.) Do not approve new rezoning restrictions to cover up the Cities lack of enforcement of the more than adequate, permits that are available and serve as restrictions when used along with subdivision covenants, City ordinances and State law.
- 2.) Look at the entire area at the different zoning that will be in place and ask if each property is being treated equally, that answer will be NO, so we request this rezoning not be approved.
- 3.) Last thought, stop using the shot gun approach by shooting in the breeze and hoping you hit the intended target, just concentrate your efforts on the specific offenders by enforcing the existing regulations so please do not make more restrictions we have enough.

Our final statement is that we would like to thank the City of Kenai for their support of the Community for our 40 years of residency, so please review this action and you will hopefully see how this is just a smoke screen to cover up the real problem and by no means fits the categories listed in the intended Use and/or reason for Rezoning indicated on the Rezoning Application dated 4/27/2002.

Sincerely,


Charles E. Eubank

"Spot zoning" is thought of as zoning not in accordance with a comprehensive plan, but for mere private gain to favor or benefit a particular individual or group of individuals and not the welfare of the community as a whole.



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: June 7, 2022
SUBJECT: **Borough Planning Commission Recommendation**

Kenai Peninsula Borough Code 2.40.015 (B) in part establishes that only a city resident may serve on the Kenai Peninsula Borough Planning Commission for a designated city seat and shall be selected by the Borough Mayor from a list of recommendations submitted by the Council; and the list will consist of at least one applicant. Section (E) establishes that the vacancy or expiring term will be noticed for at least 30-days by the Borough Clerk's Office and applicants must submit applications through the Borough Clerk's Office.

The seat designated for the City of Kenai is expiring on July 31, 2022. The upcoming vacancy was noticed by the Borough Clerk's Office for 30-days, in addition the Borough notice was posted by the City Clerk's Office at Kenai City Hall, the Kenai Public Library and posted on the City of Kenai Facebook page.

During the application period the Kenai Peninsula Borough received only one application and has verified that the applicant, Ms. Diane Fikes meets the eligibility requirements as established in borough code.

Ms. Fikes has represented the City of Kenai on the Kenai Peninsula Borough Planning Commission since June 2017 and her current term ends on July 31, 2022.

It is appropriate to provide a recommendation to the Borough Mayor from the City Council that Ms. Fikes be considered for re-appointment.

Your consideration is appreciated.

From: [Turner, Michele](#)
To: [Shellie Saner](#)
Cc: [Blankenship, Johni](#)
Subject: KPB Planning Commission - Kenai City Seat Application
Date: Monday, June 6, 2022 4:05:38 PM
Attachments: [image001.png](#)
[Kenai City Seat Application - Filing Period Ended 052722.pdf](#)

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

Hi Shellie,

This follows our email of April 28, 2022, wherein notice was given that the upcoming Kenai City Seat vacancy on KPB Planning Commission was being advertised for 30-days.

The filing period for this seat closed on May 27, 2022. One application was received.

We have verified that the applicant is a registered voter of the Kenai Peninsula Borough and is a resident of the City of Kenai.

- Diane Fikes

The application is attached for your council's consideration.

Thank you,

Michele Turner, CMC
Deputy Clerk / Records Manager
(907) 714-2165 direct

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

Kenai Peninsula Borough Planning Department

**Kenai City Seat (Term Expires 07/31/2025) PC Application Submitted 2022-05-26
15:22:32**

Name: Diane Fikes

Mailing Address:
307 Linwood Ln
Kenai, Ak 99611

Residence Address

Email: dmfikes@yahoo.com

Home Phone: 907 440 8730

Mobile Phone: 907 440 8730

What knowledge, experience, or expertise will you bring to the Planning Commission?

I currently serve on the planning commission for the city of Kenai. I have attended several training seminars offered by the City over the years. I have believe this experience and knowledge, is a great way to be involved and help my community. I enjoy the folks I serve with and would greatly appreciate continuing to be the voice for the city of Kenai.

Thank you for your consideration
Diane fikes.

Voter #

[REDACTED]

SSN

Date of Birth

[REDACTED]

Turner, Michele

From: diane fikes <dmfikes@yahoo.com>
Sent: Thursday, May 26, 2022 3:44 PM
To: G_Notify_AssemblyClerk
Subject: <EXTERNAL-SENDER> Reappointment city of Kenai

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear mr. mayor,

I am currently serving the community of Kenai Alaska on the planning commission and would greatly like the opportunity to continue to serve. I was born and raised in Anchorage and moved to the city of Kenai 11 years ago and have just loved it.

I have worked for FEDEX for over 25 years now and during that time have traveled all over the peninsula. I love the community I live and work in. It allows me to connect with all different folks. I enjoy being a part of my community and I have seen the growth the kenai has experienced in the short time since I moved here. I would like to continue to serve on the commission I believe we have some great people to work with and believe we can accomplish some great things for the peninsula.

Thanks for your consideration
Sincerely Diane Fikes



Kenai Peninsula Borough Planning Commission

Notice of Vacancy

Homer City Seat	(Term Expires 07/31/2025)
Kenai City Seat	(Term Expires 07/31/2025)
District 4 – Soldotna	(Term Expires 07/31/2025)
District 6 – East Peninsula	(Term Expires 07/31/2025)
District 7 – Central	(Term Expires 07/31/2024)
District 9 – South Peninsula	(Term Expires 07/31/2025)

NOTICE IS HEREBY GIVEN that the referenced seats are currently vacant on the Kenai Peninsula Borough Planning Commission.

City Seats: Applications are being sought from those qualified voters who physically reside within the city limits of the cities listed.

Borough Single Member Districts: Applications are being sought from those qualified voters who reside in the districts listed. In the event no qualified residents of a single member district apply and are appointed, then that seat may be filled at-large by a qualified borough resident who resides outside of city limits. All borough residents interested in serving on the Planning Commission are encouraged to apply. Applicants that do not reside in district being applied for will be placed in an “at-large” pool for appointment consideration if no qualified residents of the district apply.

All applications are submitted online through the borough’s *Opportunities* webpage: <https://www.kpb.us/opportunities>. The deadline to submit an application is **5:00 p.m. on Friday, May 27, 2022.**

For more information, contact the KPB Planning Department at (907) 714-2200.

**KENAI AIRPORT COMMISSION
REGULAR MEETING
JUNE 9, 2022 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
CHAIR GLENDA FEEKEN, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Feeken called the meeting to order at 6:00 p.m.

a. Pledge of Allegiance

Chair Feeken led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Commissioners Present: G. Feeken, P. Minelga, J. Caldwell,

Commissioners Absent: J. Zirul, D. Pitts, J. Bielefeld, J. Daily

Staff/Council Liaison Present: Airport Manager E. Conway, Council Liaison Baisden

No quorum was present.

c. Agenda Approval

2. SCHEDULED PUBLIC COMMENT – None.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. May 12, 2022

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

- a. **Discussion/Recommendation** – Recommending the Kenai City Council Approve a Special Use Permit to Empire Airlines, Inc. for Aircraft Loading & Parking.
- b. **Discussion/Recommendation** – Recommending the Kenai City Council Approve a Special Use Permit to Everts Air Fuel, Inc. for Aircraft Loading & Parking.
- c. **Discussion/Recommendation** – Recommending the Kenai City Council Approve a Special Use Permit to Crowley Fuels LLC for Aviation Fueling & Apron Fueling Area.
- d. **Discussion/Recommendation** – Recommending the Kenai City Council Approve a Special Use Permit to Alaska Geographic for a Vending Kiosk in the Airport Terminal.
- e. **Discussion/Recommendation** – Recommending the Kenai City Council Approve a Special Use Permit to UPSCO United Parcel Service Co., Inc. for Aircraft Loading &

- Parking.
- f. **Discussion/Recommendation** – Recommending the Kenai City Council Approve a Special Use Permit to Kenai Aviation for Aircraft Parking.
 - g. **Discussion/Recommendation** – Recommending the Kenai City Council Approve a Special Use Permit to Alaska Air Fuel, Inc. for Aircraft Loading & Parking.
 - h. **Discussion/Recommendation** – Recommending the Kenai City Council Approve Fifth Amendment to Agreement for Restaurant Concession with Situla LLC (D/B/A Brother's Café).

7. REPORTS

- a. **Airport Manager**
- b. **City Council Liaison**

8. NEXT MEETING ATTENDANCE NOTIFICATION – July 14, 2022

9. COMMISSIONER COMMENTS AND QUESTIONS – None.

10. ADDITIONAL PUBLIC COMMENT – None.

11. INFORMATION ITEMS

- a. April 2022 Enplanement Report

12. ADJOURNMENT

Due to a lack of a quorum, the meeting was adjourned at approximately 6:05 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

**KENAI HARBOR COMMISSION
REGULAR MEETING
JUNE 6, 2022 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
CHAIR MIKE DUNN, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Dunn called the meeting to order at approximately 6:00 p.m.

a. Pledge of Allegiance

Chair Dunn led those assembled in the Pledge of Allegiance.

b. Roll Call

Roll was confirmed as follows:

Commissioners present: M. Dunn, N. Berga, B. Peters, D. Peck, V. Askin

Commissioners absent: C. Hutchison, B. Bornemann

Staff/Council Liaison present: Public Works Director S. Curtin, Public Works Administrative Assistant L. List

A quorum was present.

c. Agenda Approval

2. SCHEDULED PUBLIC COMMENT

a. Tav Ammu – Clean Harbors Survey

Tav Ammu provided a presentation on the Clean Harbors Survey.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

- a. February 7, 2022
- b. May 9, 2022

MOTION:

Commissioner Peck **MOVED** to approve the meeting summary of February 7, 2022. Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

MOTION:

Commissioner Peters **MOVED** to approve the meeting summaries of May 9, 2022. Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. **UNFINISHED BUSINESS** – None

6. **NEW BUSINESS**

a. **Discussion** – Clean Harbors Survey Write-up

Director Curtin encouraged the commission to look at the website presented during Tav Ammu's presentation, and reviewed signage. The commission discussed fuel capability, Kenai's participation, dock agreement meeting requirements, and cannery regulation.

Tav Ammu clarified that Kenai is already following most aspects, and Director Curtin will look into them.

b. **Discussion** – USACE Boat Ramp Dredging Permit Renewal

Director Curtin noted that the Army Corp permit was renewed for three years with a one-year extension and an invoice was sent for \$24,000. He noted there was two special use permits of \$1,000 per permit. He also reported that the River Center added regulations regarding dredging, a cathodic was installed, and the boat ramp was dredged.

The commission discussed reserved fishery dipnet, RFP for garbage, and toilets going out this week, and Parks & Recreation managing the day-to-day while Public Works will manage the setup and takedown.

c. **Discussion** – HDR Bluff Stabilization Project 65% DDR received

Director Curtin reported that the 65% design was received, and 95% will be received later this summer.

The commission discussed a private property purchase that as of two weeks ago all but two properties have been purchased; one is in negotiation and one is holding out.

7. **REPORTS**

- a. Public Works Director – No report.
- b. Commission Chair – No report.
- c. City Council Liaison – No report.

8. **NEXT MEETING ATTENDANCE NOTIFICATION** – August 8, 2022

Director Curtin noted the tour of the fishery on a Fire Department Boat will be set up.

9. **COMMISSIONER COMMENTS AND QUESTIONS** - None

10. **ADDITIONAL PUBLIC COMMENT** - None

11. **ADJOURNMENT**

The meeting was adjourned at approximately 6:51 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
MAY 25, 2022 – 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 May 25, 2022, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:06 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Commissioners present: J. Twait, A. Douthit, G. Woodard, D. Fikes, V. Askin, G. Greenberg

Commissioners absent: J. Halstead

Staff/Council Liaison present: Planning Director R. Foster, City Attorney S. Bloom, Vice Mayor J. Glendening, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the Packet:

- Add item F.1. **Resolution PZ2022-12**
 - Public Comment
 - Rezoning Property Petitioner Map

MOTION:

Commissioner Askin **MOVED** to approve the agenda with the requested revisions; requested to hear New Business and Unfinished Business prior to Public Hearings. Vice Chair Douthit **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Vice Chair Douthit **MOVED** to approve the consent agenda. Commissioner Askin **SECONDED** the motion. 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.

- 5. *Excused Absences – J. Halstead

B. APPROVAL OF MINUTES

1. *Regular Meeting of May 11, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS – None.

D. UNSCHEDULED PUBLIC COMMENTS – None.

E. CONSIDERATION OF PLATS – None.

H. NEW BUSINESS

1. **Action/Approval** – Recommending the City Council Approve Resolution No. 2022-XX to record a document divesting the City's interest in the Deeded thirty foot (30') strip public use easement lying along the North boundary of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian

MOTION:

Vice Chair Douthit **MOVED** to Recommend the City Council Approve Resolution No. 2022-XX to record a document divesting the City's interest in the Deeded thirty foot (30') strip public use easement lying along the North boundary of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report, explaining that the commission had previously recommended approval of this preliminary plat, but it was determined that a 30 foot public use easement was still deeded to the City of Kenai. It was noted that government lots are not platted and this was an unusual situation, and there was no need for public use of the easement.

VOTE:

YEA: Douthit, Woodard, Greenberg, Fikes, Askin, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

1. **Action/Approval** - Recommending the Kenai City Council Enact Ordinance 3287-2022 - Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. *[Clerk's Note: At the May 11th Meeting, this Action was Postponed to this Meeting; a Motion to Approve is On the Floor.]*

Chair Twait noted that at the previous meeting he had been recused from voting, and passed the gavel to Vice Chair Douthit.

Director Foster provided an update on the ordinance, noting that at their last meeting the commission had asked for additional information including concept drawings which had been added to the packet. He explained that the zoning is Urban Residential which would require a Conditional Use Permit to operate as a Day Care Center. He clarified that the land use classification is designated as Mixed Use, and provided a definition for Mixed Use.

Vice Chair Douthit opened for public testimony.

Mayor Brian Gabriel noted that he is the co-sponsor of ordinance, provided clarification on the background of the Boys & Girls Club plans and the donation of funds they received for this project, and explained how this is a chance to facilitate a campus for over a thousand people and create a business environment where

people will come to the city to spend money. He discussed the safeguards built into the condition of the donation that will protect the city in case they move in a different direction, and questions about vacation of right-of-way. He noted that the public hearing on this ordinance at the last City Council meeting had the most public comment he'd ever seen on an item, and there was a lot of support.

Mike Navarre, Board Member for the Boys & Girls Club, explained how their board had considered alternatives to their plan for this property, and that they are doing their due diligence under a tight timeline as they can't apply for grants prior to obtaining enough property for the project. He noted that this plan isn't ideal nor is it a done deal, but it would be a cost-effective opportunity.

Chris Andrews explained that in the packet there is a parking lot where his house is located, and explained that there had been little communication and no agreement as to what would happen with their house. He stated that this was not due diligence and requested clarification on the Boys & Girls Club plans.

Jeff Dolifka, President of the Boys & Girls Club, explained his prior communications with Mr. and Mrs. Andrews and clarified that the plans were only preliminary and they will be going in a different direction so they will not need the Andrews property.

Kyle Cornellis testified that the issue of the Andrews property speaks to the early nature of the donation request, that the drawings are preliminary and the donation would allow them to go through the process of planning. He noted that the Kenai Community Care Center location on its own would be inadequate so if the land is not donated they will reassess.

Sarah Andrews discussed her prior communications with the Boys & Girls Club, expressed concern about how it could affect her property values. She noted that she supports the Boys & Girls Club but hopes that they maintain the greenbelt next to her property and not pave it over.

Kristine Schmidt stated that the City does not have a neutral process for land donation, and the one it uses is ad hoc and unfair. She noted that this would not be the best use for the public, and it is ideal for housing which the city needs and would generate tax revenue. She suggested the Boys & Girls Club lease the property.

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

The commission discussed the possibilities of outreach to see if other parties are interested in this property, subdivision of the parcel to allow for a portion to be sold, road vacation, land quality and potential for residential use. It was suggested that a Whereas be added to the ordinance specifying that a minimum of two acres be donated to the Boys & Girls Club, and the property lines be adjusted later.

City Manager Ostrander provided background on the City's recent history of land donation to nonprofits.

In response to questions from the commission, Chris Hough explained that the previous suggestion to donate a minimum of two acres and adjust the boundaries later would not work with their timeline for financing and grant application. Without a legal description they could not receive insurance or a loan, and re-platting is a lengthy process.

In response to questions from the commission, Kyle Cornellis noted that maximum flexibility is needed from the City; the complete timeframe for the project is not yet known. He noted that even if the land is conditionally donated the project may not work out, in which case the land goes back to the City. He clarified that the grant process would be hindered by longer deliberations.

It was noted that it would be prudent to provide outreach and allow others to express interest in the property, as it is a valuable piece of land with a view. The timeframe was considered, and it was noted that there is some urgency with the sale of the Care Center.

Support was expressed for recommending approval so that the Boys & Girls Club can receive grants, because it will provide opportunities for youth and it will bring revenue to the city.

It was suggested that there be a waiting period to allow for interest from other parties to be expressed. Director Foster explained there is a process in code for competitive land purchases but noted that there is not guidance for conditional donations.

Director Foster clarified how the ordinance has been noticed as public hearing, and will return to the City Council for a final vote to approve.

VOTE:

YEA: Woodard, Greenberg, Fikes, Askin

NAY: Douthit

MOTION PASSED.

Vice Chair Douthit returned the gavel to Chair Twait.

F. PUBLIC HEARINGS

- 1. Resolution PZ2022-12** - Application for the rezoning of parcels in Basin View Subdivision, Ames Road, and Beaver Loop Road, from Rural Residential (RR) to Rural Residential-1 (RR-1). The application was submitted by Jerry C. Huf, 765 Ames Rd, Kenai AK, 99611 with a petition of a majority of the property owners in the area to be rezoned.

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2022-12. Commissioner Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to rezone 74 parcels. He reviewed the applicant's reasons for rezoning, and noted that the 46 signers met the threshold for a majority. He explained the differences between Rural Residential (RR) and Rural Residential-1 (RR-1), including the more limited opportunities for Conditional Use Permits (CUP) in RR-1. A Comprehensive Plan analysis was provided, and it was noted that staff's recommendation is that the property is suitable for recommending approval to the City Council.

Applicant Jerry Huf explained that his main reason for rezoning is to protect the neighborhood from any more businesses that create traffic and impact livability and enjoyment of property. He noted that the neighborhood is highly desirable area for fishing and guiding, and he would like to narrow the opportunities for high use/high traffic CUP businesses and protect the residential environment. He stated that he hasn't spoken to anyone in the neighborhood that opposed rezoning, and he knows he could get more signatures for approval.

Chair Twait opened for public hearing.

Chuck Eubank noted some previous problems in the neighborhood from businesses, and noted that the proposed rezoning will also affect selected adjoining subdivisions. He stated that the cause for the rezoning application is the lack of enforcement of CUPs and City ordinances. He questioned the applicant's residence in the neighborhood, evidence against CUP owners, and placing of speed signs on electrical poles. He stated that the rezoning will cost the subdivision businesses that generate income.

Charlotte Coots spoke in support of rezoning, noting that from previous Board of Adjustment hearings that the City does not enforce covenants, and that CUPs are not being overseen once the permit is granted which has caused problems. She stated that rezoning will help to protect the neighborhood from high-traffic businesses.

Francis Eurick spoke in support of rezoning, noting that it will preserve the stability of the neighborhood.

Jim Richardson spoke in support of rezoning, noting concern with CUPs that are not being enforced and that they cause problems for adjoining property owners. He explained the issues he has had with a neighbor that has a CUP, and that others have seen this and want to protect their neighborhood from this happening.

Charlotte Coots noted that her husband had submitted the photos and email comment provided in the laydown, which she said show clients on the property of someone who told the City that he was not running a business out of his home. She stated that this is an example of what her neighborhood wants to be protected from.

Mack Padgett explained that he supports the rezoning application because he wants to fight CUPs, which have become a problem in the Beaver Creek neighborhood.

Carol Padgett questioned whether City staff considered covenants when reviewing Planning & Zoning applications. She stated her support for rezoning the neighborhood.

Jerry Huf stated that CUPs do not improve property values in the neighborhood, and that the priorities of the Comprehensive Plan support livability and enjoyment of property. He responded to questions raised during earlier comment about posted speed signs, and noted that he only has issues with high use/high traffic CUP businesses. He reiterated that he wants to protect his neighborhood as residential, and clarified who in the neighborhood he spoke with.

Kristine Schmidt noted that she participated in the development of this zone. She stated that the City's decision not to consider covenants is a policy decision, and they could be considered under non-economic value. She explained the background and intent of the RR zone, and that it was the least restrictive. She stated that she hoped the commission would honor the wishes of the neighborhood and support rezoning.

MJ Loveland clarified that people who didn't sign the position were neutral on rezoning, not against it. She stated her support for rezoning.

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

The commission discussed the types of businesses that would still be allowed in RR-1, the allowed uses per the Land Use Table. It was clarified that Airbnbs could fall under different categories of short-term rentals, and definitions for Cabin Rentals and Bed and Breakfasts were considered.

Preference was expressed for confirming the support from property owners who didn't sign, and if not it was suggested that the boundary line be moved.

Support was expressed for rezoning based on the amount of public support. Clarification was provided that the commission evaluates an application based on the information provided in the packet.

It was noted that the commission was providing a recommendation to City Council, who would hold another public hearing on the application.

VOTE:

- YEA: Greenberg, Fikes, Askin, Twait, Douthit, Woodard
- NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Vice Mayor Glendening reported on the actions of the May 18, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the May 23, 2022 Kenai Peninsula Borough Planning meeting.
3. City Administration – Planning Director Foster reported on the following:
 - The next Planning & Zoning Commission meeting on June 8, 2022 will include a town site historic development and a Special Use Permit for the Moosemeat John Cabin;
 - Provided an update on the outstanding code violation for bowling alley;
 - Board of Adjustment appeal hearing has been scheduled for May 31, 2022;
 - Waterfront presentations in the Informational Items.

K. ADDITIONAL PUBLIC COMMENTS – None.

L. INFORMATIONAL ITEMS

1. Waterfront Project Presentation (May 2-3)

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 8, 2022

N. COMMISSION COMMENTS & QUESTIONS

Vice Chair Douthit noted that he had received signification feedback from the community on the Boys & Girls Club land donation.

Chair Twait recognized the recent school shooting in Texas, and encouraged the commission to write letters to the school board to change building entrances.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:08 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
JUNE 8, 2022 – 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 June 8, 2022, 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:

Commissioners present: J. Twait, A. Douthit, G. Woodard, D. Fikes, V. Askin, G. Greenberg

Commissioners absent: J. Halstead

Staff/Council Liaison present: Planning Director R. Foster, City Attorney S. Bloom, Vice Mayor J. Glendening, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written. Commissioner Fikes **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda. Commissioner Fikes **SECONDED** the motion. 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.

5. *Excused Absences – J. Halstead

B. APPROVAL OF MINUTES

C. SCHEDULED PUBLIC COMMENTS – None.

D. UNSCHEDULED PUBLIC COMMENTS – None.

E. **CONSIDERATION OF PLATS** – None.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **PZ2022-13** – Townsite Historic Review 508 Mission Avenue

MOTION:

Commissioner Askin **MOVED** to adopt Resolution No. PZ2022-13. Commissioner Fikes **SECONDED** the motion.

Director Foster provided a staff report as provided in the packet, explaining that the applicant wants to relocate the Hermansen/Miller House to 508 Mission Avenue because it is in danger of falling of the bluff at its current location. The proposed new location is in the Kenai Townsite Historic District (TSH); the criteria for the TSH zoning district was reviewed and it was noted that the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction, the owner shall be required to obtain a Building Permit.
3. Prior to issuance of a Building Permit for the proposed construction, a Landscape/Site plan must be reviewed and approved by the Planning Director.

Jonathan Thornton, owner of the Hermansen/Miller House clarified that the siding is metal and not vinyl. He explained that his intention is to save this historical building which is in danger of falling off the bluff and relocate it to a part of town where it will add historic beauty and value.

In response to questions from the commission, Mr. Thornton clarified that he is not yet certain what the building's use will be but could potentially be used for vacation rentals; that the building is currently eight feet away from the bluff and further erosion will prevent the building from being moved; that the old foundation will be filled in after the building is moved.

Director Foster explained that the structure is historic but has been modified enough that it cannot be a nationally registered structure, and is a different time period than the other buildings in the area it's being moved to. The commission discussed more modern buildings that have been built in the TSH, and it was noted that they would have gone through the TSH review process and would have to fit in as best they can with the historic district.

Jonathan Thornton explained how the building would fit in aesthetically at the new location, and the meaning of acquiring national registry status for historic buildings. He clarified that there will be a plaque onsite at the new building location, and discussed potential solutions for creating road access.

VOTE:

YEA: Askin, Woodard, Douthit, Fikes, Greenberg, Halstead, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

2. **Action/Approval** - Special Use Permit for Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin

MOTION:

Commissioner Halstead **MOVED** to recommend City Council approve the execution of a special use permit to the Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin. Commissioner Askin **SECONDED** the motion.

Director Foster provided a staff report noting that that this Special Use Permit has been provided on an annual basis for several years, and this is a continuation without any major changes.

The commission discussed why this is an annual SUP instead of a lease, and Director Foster clarified that a SUP can allow for more flexibility and may be a better option for the Chamber. It was suggested that the maintenance needed for the building, if appraised for a certain amount, could count towards the improvement value requirements for leasing City-owned land.

VOTE:

YEA: Douthit, Woodard, Greenberg, Fikes, Askin, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Vice Mayor Glendening reported on the actions of the June 1, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning – No report.
3. City Administration – Planning Director Foster reported on the following:
 - The appellant for the May 31, 2022 Board of Adjustment meeting withdrew their appeal;
 - A Board of Adjustment meeting has been scheduled for June 20, 2022;
 - The next Planning & Zoning Commission meeting on June 8, 2022 will include a conditional use permit for a restaurant and brewery, a preliminary plat, and an application for competitive land purchase.

K. ADDITIONAL PUBLIC COMMENTS – None.

H. INFORMATIONAL ITEMS

1. Charles Eubank Letter Dated May 30, 2022

The commission discussed the optics and ethics of talking to the public during an at-ease during a meeting.

I. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 22, 2022

J. COMMISSION COMMENTS & QUESTIONS

Commissioner Askin reminded everyone to stay safe in the sun.

K. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:15 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager



DATE: May 11, 2022

SUBJECT: Kenai Municipal Airport (ENA) Mid-Month Report

First Flight!

Kenai Aviation's First Flight departed ENA Monday morning, May 2, 2022. Kenai Aviation is flying two roundtrip flights between ENA and ANC Monday through Friday.

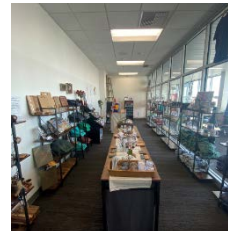
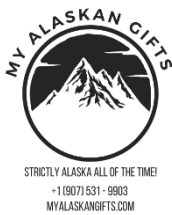


			
4:15 a.m.	ENA	ANC	4:45 a.m.
11:00 a.m.	ANC	ENA	11:30 a.m.
3:00 p.m.	ENA	ANC	3:30 p.m.
11:15 p.m.	ANC	ENA	11:45 p.m.

My Alaskan Gifts

My Alaskan Gifts opened on Monday, May 2, 2022. They are located in the terminal next to Brothers' Café.

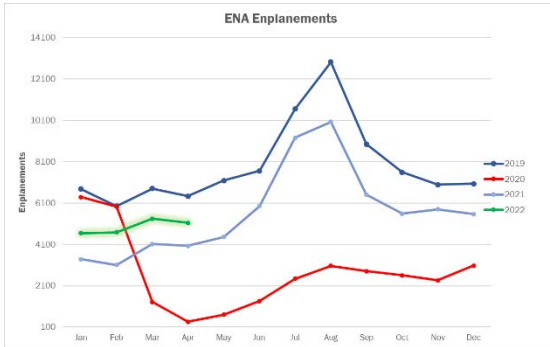
My Alaskan Gifts features local, Made In Alaska, gifts that are sure to please all of your hard-to-shop-for family and friends. They are currently open at 4 o'clock a.m. Monday through Friday to serve coffee to early morning travelers until 8 o'clock a.m., and reopening from 12 o'clock p.m. till



5 o'clock p.m. They will be adjusting their hours to accommodate PAX loads. For the current hours of operation, visit them on Facebook @MyAlaskanGifts, or call 907.531.9903.

Enplanements

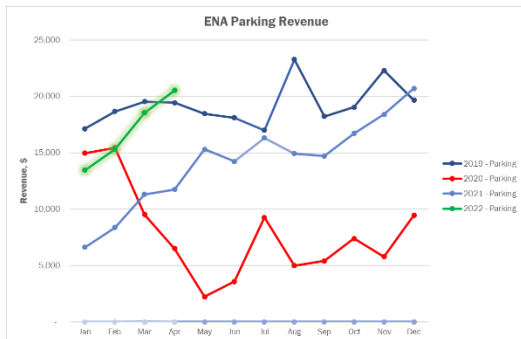
2022 passenger enplanements remain higher than the previous year but below pre-pandemic levels – up 35% YTD compared to 2021.



	2021	2022	% Δ
Jan	3389	4646	37.09%
Feb	3112	4695	50.87%
Mar	4127	5349	29.61%
Apr	4035	5150	27.63%
Grand Total	14663	19840	35.31%

Parking Revenue

Parking revenue for the month of April surpassed 2019 parking revenue for the same month. Parking revenue continues to trend toward pre-pandemic numbers – up 78% YTD compared to 2021.



	2021	2022	% Δ
Jan	6,626	13,448	103%
Feb	8,373	15,338	83%
Mar	11,315	18,532	64%
Apr	11,757	20,530	75%
Grand Total	38,071	67,848	78%





KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Eland Conway, Airport Manager



DATE: May 11, 2022

SUBJECT: Kenai Municipal Airport (ENA) Mid-Month Report

First Flight!

Kenai Aviation's First Flight departed ENA Monday morning, May 2, 2022. Kenai Aviation is flying two roundtrip flights between ENA and ANC Monday through Friday.

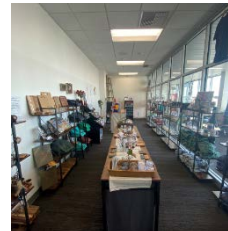


			
4:15 a.m.	ENA	ANC	4:45 a.m.
11:00 a.m.	ANC	ENA	11:30 a.m.
3:00 p.m.	ENA	ANC	3:30 p.m.
11:15 p.m.	ANC	ENA	11:45 p.m.

My Alaskan Gifts

My Alaskan Gifts opened on Monday, May 2, 2022. They are located in the terminal next to Brothers' Café.

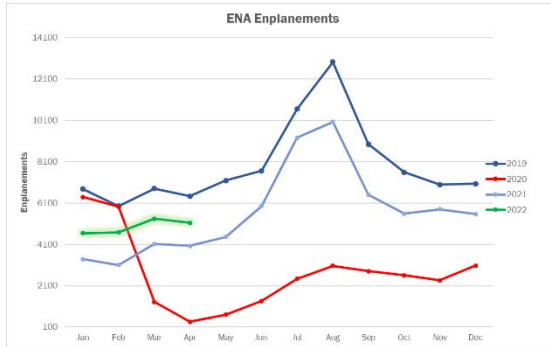
My Alaskan Gifts features local, Made In Alaska, gifts that are sure to please all of your hard-to-shop-for family and friends. They are currently open at 4 o'clock a.m. Monday through Friday to serve coffee to early morning travelers until 8 o'clock a.m., and reopening from 12 o'clock p.m. till



5 o'clock p.m. They will be adjusting their hours to accommodate PAX loads. For the current hours of operation, visit them on Facebook @MyAlaskanGifts, or call 907.531.9903.

Enplanements

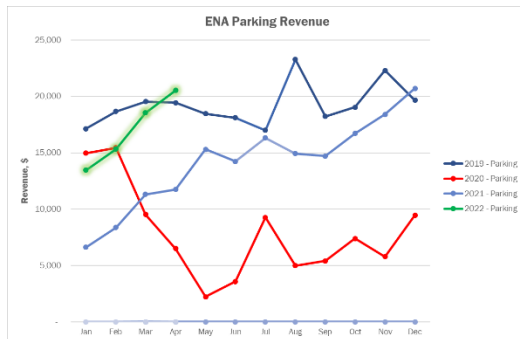
2022 passenger enplanements remain higher than the previous year but below pre-pandemic levels – up 35% YTD compared to 2021.



	2021	2022	% Δ
Jan	3389	4646	37.09%
Feb	3112	4695	50.87%
Mar	4127	5349	29.61%
Apr	4035	5150	27.63%
Grand Total	14663	19840	35.31%

Parking Revenue

Parking revenue for the month of April surpassed 2019 parking revenue for the same month. Parking revenue continues to trend toward pre-pandemic numbers – up 78% YTD compared to 2021.



	2021	2022	% Δ
Jan	6,626	13,448	103%
Feb	8,373	15,338	83%
Mar	11,315	18,532	64%
Apr	11,757	20,530	75%
Grand Total	38,071	67,848	78%





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

THROUGH: Dave Ross, Police Chief

FROM: Jessica “JJ” Hendrickson, Animal Control Chief

DATE: June 6, 2022

SUBJECT: May 2022 Monthly Report

This month the Kenai Animal Shelter took in **30** animals. Animal intake and disposition:

DOGS:				
	INTAKE	17	DISPOSITION	10
	Waiver	7	Adopted	3
	Stray	6	Euthanized	0
	Impound	0	Claimed	6
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred	1
	Microchips	1	Other Dispositions	0
	Other Intakes	3		
CATS:				
	INTAKE	13	DISPOSITION	11
	Waiver	3	Adopted	6
	Stray	9	Euthanized	0
	Impound	0	Claimed	0
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred	5

Microchips	0	Other Dispositions	0
Other Intakes	1		0
OTHER ANIMALS:			
INTAKE	0	DISPOSITION	0
Chinchilla	0	Chinchilla	0
Rabbit	0	Rabbit	0
Other	0	Guinea Pig	0
DOA:	5	OTHER STATISTICS:	
Dog	1	Licenses (City of Kenai Dog Licenses)	17
Cat	4		
Rabbit	0		

- 1** Animal dropped with After Hours (days we are closed but cleaning and with KPD)
- 35** Animals are *known* borough animals
- 24** Animals are *known* City of Kenai
- 6** Animals are *known* City of Soldotna
- 0** Animals from unknown location
- 36** Field Investigations & patrols
- 6.55** Volunteer Hours Logged
- 3** Citations
- 1** Educational Outreach

Statistical Data:

- 369** 2020 YTD Intakes
- 257** 2021 YTD Intakes
- 164** 2022 YTD Intakes

On May 14th, 2022 the Kenai Animal Shelter hosted a rabies vaccination clinic and 192 animals signed up to receive their rabies vaccination.





MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Terry Eubank, Finance Director

DATE: June 7, 2022

SUBJECT: Finance Department – June 2022 Mid-month Report

With the passage of the FY23 Budget at the June 1st Council Meeting, the department has been making changes and compiling the document for printing. The document is expected to be available for distribution next week. The Department's focus will now be switching to closing FY22 and completion of the City's Annual Comprehensive Financial Report. This process includes closing of the FY22 financial records, fiscal year end grant reporting and finally financial statement preparation. The annual audit is scheduled for the week of October 3rd.

The 2022 Personal Use Fishery is quickly approaching and we will be working to assist Parks and Recreation staff to train seasonal employees to work in the dipnet shacks. We have been working closely with our software programmer to update the shack attendant software and to update the dipnet app.

The department, working with Christine in Human Resources, is completing open enrollment for employee benefits. This process included meetings with employees, staff, and the City's broker, Marsh & McLennan Agency.



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Tony Prior, Fire Chief
DATE: June 6, 2022
SUBJECT: Fire Department Mid-Month Report – May

Calls for service for May increased from 2021 calls, and all areas of service are up compared to this time last year. Here is the breakdown for May 2022.

	2021	2022	% change	
May total	110	127	15.5%	
EMS	79	95	20.3%	
All Other	31	32	3.2%	
Year total	544	591	8.6%	

Training:

- Engineer Scott Summers attended a Command and Control of Shipboard Firefighting course in Anchorage, sponsored by Anchorage Fire Department.
- All department personnel attended a lab day at the Kenai Peninsula College as they are finally open to have Fire Departments return to their facility for training with new equipment.
- We brought the rescue boat out of storage and have begun review of operation as well as preparing for an upcoming Boat Operators Course the week of June 20th.
- Engineer training and integrating wildland fire operations with structural apparatus continued as we are in the peak of Alaska's wildfire season.

Projects/Grants:

- We are now in the last month of our Community Funding Grant to provide Vaccinations, Testing, and COVID Leave which will end on June 30th.
- We are continuing work with the Division of Forestry on the grant that will provide funding to staff and support a slash disposal site, and are moving forward with other potential projects supported in the CWPP.
- RFP's for a new ambulance were collected and scored with Braun NW receiving the highest score on their bid.

- We have completed the draft of the Emergency Operations Plan and it has been sent to the State of Alaska for approval. Once we have approval from the State, we will be bringing it to the Council for their approval.





KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Christine Cunningham, Human Resources Director

DATE: June 9, 2022

SUBJECT: Human Resources Activity – May 2022

Recruitment

The Human Resources Department worked with departments to actively recruit for the following positions: Airport Operations Specialist, Building Maintenance Lead Technician, and multiple temporary Parks and Rec summer maintenance and Personal Use Fishery positions. Applications continue to trend low, with all job postings requiring an extension to allow for a larger applicant pool.

Training

All City employees were enrolled in an online training program provided through the City's insurer to meet City-wide training requirements. Employees completed 161 hours of training on Harassment Prevention and Hazard Communication at no additional cost to the City.

Safety

One Accident was reported that resulted in a near-miss, and no Workers' Compensation claims were filed for this or any other work-related illness or injury.

Employee Recognition and Awards

The following employees received certificates of appreciation in recognition of their years of employment with the City: 5 years: Nick Franklin, James Hegar, Carol Prior, Paul Ostrander; 10 years: Dan Castimore; 15 years: Erica Brincefield, Janina Efta, Pete Coots, Justin Horton; 20 years: Ben Langham, Jay Sjogren; and 25 years: Kathy Romain.

Special Projects

Human Resources worked with Finance to recommend renewal of the City's employee health insurance and life insurance plans, began communications on open enrollment with employees, finalized work on FY23 classification plan recommendations, and worked with multiple departments to update position descriptions and organizational charts.

The City is currently recruiting for the following positions:





- Water & Sewer Operator I/II
- Building Maintenance Lead Technician



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Katja Wolfe, Library Director
DATE: June 7, 2022
SUBJECT: Library Mid-Month Report for May 2022

May 2022 at a Glance

Items Borrowed		May-21	May-22	2022 YTD
Physical		4,365	5,611	30,099
Digital		1,509	1,576	7,621
Services				
New Memberships		32	47	232
Room Reservations		n/a	120	589
Programs				
Number of Programs		13	26	131
Program Attendance		155	363	1,859
Technology Sessions				
Computer sessions		348	457	2,387
WiFi Sessions		3,866	7,606	34,492
Early Literacy Station Sessions		n/a	239	987

May 2022 programming highlights

- 25 in-person programs – 363 attendees
 - 4 Story Times (average of 26 participants per program)
 - 4 Class Visits (85 total attendees)
 - 4 Lego Clubs (average of 16 participants per program)
 - Escape Room: Smuggler’s Cantina (54 participants)

- Star Wars Trivia (6 participants)
- Raspberry Pi STEAM Club (5 participants)
- DIY Spruce Tip Jelly (6 participants)
- 1 DIY program
 - Tiny Art Show (33 amazing pieces of art submitted)

May 2022 library services highlights

- Volunteers logged 24 hours this past month. Tasks included shelving, SRP preparations, and program support.
- Our study and conference rooms were used by 120 individuals/groups for a total of 256 hours.
- Our annual Summer Reading Program started May 18th. This year's theme is "Oceans of Possibilities." Our Summer Food Program will run from June 6th to August 5th. The program, made possible by the Food Bank of Alaska, will provide free lunch to children 18 and under. For more info on these events, please visit <https://www.kenai.city/library/page/summer-reading-2022>





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Brad Walker, Parks & Recreation Director
DATE: June 8, 2022
SUBJECT: **Mid-month Report – May 2022**

Three of our summer crew members started May 9th with six more scheduled to start May 23rd. Everyone is settling into their role and increasing their familiarization with areas maintained. We are pleased with the team assembled to date. We have interviews scheduled throughout the month of May, this includes interviewing for PU Fishery positions, and interviewing for a Slash site position and three trail crew members. We are anticipating being fully staffed this year for both Parks and PU fishery positions.

Most of the flowers will be ready for planting by the first week of June. We have a volunteer planting date scheduled for June 4th. The wildflower hill is scheduled to be hydro-seeded May 15th.

The Kenai Little League and Kenai Softball Association are both up and running. Local soccer programs are in full swing as well. We are partnering with the Little League to install the new scoreboard. This project is scheduled to start June 13th. This project has been in the works for over a year.

We have all the materials to install the Little Free Libraries, these are scheduled to be installed starting the first week of June. We also will be installing a poetry walk for the Library starting the third week of June. We worked with the Kenai River Disc Golf Club to prepare for their Kenai Disc Golf invitational on May 21st and 22nd.

The department partnered with the Chamber of Commerce for a community clean-up day on May 21st from 10am-12pm with a cookout afterwards. We had 40 volunteers show up for our community clean-up day collecting over 100 bags of trash. Alaska Waste donated a 20 yard roll off for us to use for this event. Lions Club provided food and cooked out for the event. Odom corporation provided drinks for the event as well.

We had a total of 10 shelter reservations for the month of May. All vault toilets are scheduled to be pumped out the first week of June as this did not happen last year.

We are working with the Street Dept. on getting a slash site open for the Kenai public to use. We started interviews for this position on May 16th. The slash site is scheduled to open June 2nd. The hours of operation will be Thursday – Sunday 10am to 6pm.

Slash Site update as of June 9th:

Total number of visits: 50

Total estimated acres treated: 14 acres





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: June 6, 2022

SUBJECT: **Planning and Zoning May 2022 Report**

Planning and Zoning Commission Agenda Items and Resolutions

- On May 2 and May 3, 2022 the Planning staff assisted our consultant team, McKinley Research Group, with the Kenai Waterfront Revitalization Community Concepts Meetings.
- On May 11, 2022 the Planning and Zoning Commission held a work session to discuss conditional use permits.
- On May 11, 2022 the Planning and Zoning Commission approved the following meeting agenda items:
 - **Resolution PZ2022-11** - Application for a Conditional Use Permit for a Day Care Center, for the property described as Lot 1 Blk G Woodland Sub Pt I, located at 502 Ash Avenue, Kenai, Alaska 99611. The application was submitted by Stephanie Nella Lenzini-LeBaron, 502 Ash Avenue, Kenai, Alaska 99611.
 - **Action/Approval** - Recommending the Kenai City Council Adopt a Resolution Approving the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.
 - **Action/Approval** - Recommending the Kenai City Council Adopt Resolution No. 2022-XX – Approving the Execution of a Lease to Swanson Properties, LLC for Lot 6, Block 5, General Aviation Subdivision No. 1 Amended.
- On May 11, 2022 the Planning and Zoning Commission postponed the following action approval agenda items to the May 25, 2022 meeting:
 - **Action/Approval** - Recommending the Kenai City Council Enact Ordinance 3287-2022 - Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and

Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities.

- On May 25, 2022 the Planning and Zoning Commission approved the following meeting agenda items:
 - **Resolution PZ2022-12** - Application for the rezoning of parcels in Basin View Subdivision, Ames Road, and Beaver Loop Road, from Rural Residential (RR) to Rural Residential-1 (RR-1). The application was submitted by Jerry C. Huf, 765 Ames Rd, Kenai AK, 99611 with a petition of a majority of the property owners in the area to be rezoned.
 - **Action/Approval** - Recommending the Kenai City Council Enact Ordinance 3287-2022 - Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities.
 - **Action/Approval** - Recommending the City Council Approve Resolution No. 2022-XX to record a document divesting the City's interest in the Deeded thirty foot (30') strip public use easement lying along the North boundary of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian

Building Permit and Site Plan Reviews

Planning and Zoning staff reviews all Building Permits for compliance with the zoning code. The Department conducted six Building Permit reviews in May, 2022 and two Landscape/Site Plan applications.

Code Enforcement

Eight new code enforcement cases were opened in May, 2022.

City Council Agenda Items

- On May 4, 2022, Kenai City Council approved the following agenda items:
 - **Resolution PZ2022-27** - Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease form Between the City of Kenai and Joel Caldwell on Lot 3, Block 4, FBO General Aviation Apron. (Administration)
 - **Action/Approval** - Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage. (Administration)
- On May 18, 2022, Kenai City Council approved the following agenda items:
 - **Resolution PZ2022-33** - Approving the Vacation of a 60' Wide Right of Way and Associated Utility Easements in Jaynes Subdivision, Big Mike's Addition, as Granted by Plat K-2015-99, and Bridge Road Subdivision 2019 Replat as



Granted by Plat K-2020-15, Located Within Section 4, Township 5 North, Range 11 West, Seward Meridian, Alaska, and Determining the Right of Way and Utility Easements are Not Needed for a Public Purpose. (Administration)

City Leases

The City received two competitive land lease applications in May, 2022.





MEMORANDUM

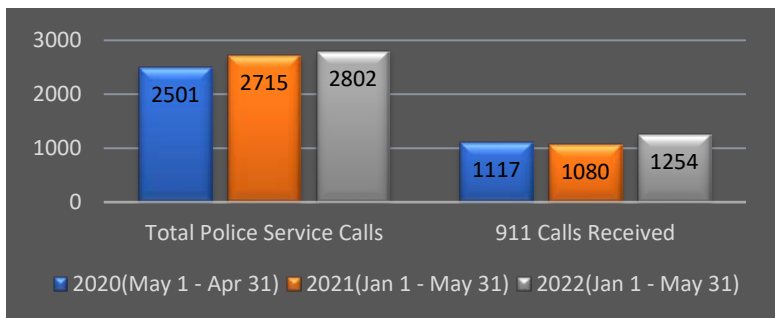
TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: David Ross, Police Chief
DATE: June 6, 2022
SUBJECT: Police & Communications Department Activity – May 2022

Police handled 615 calls for service in May. Dispatch received 276 9-1-1 calls. Officers made 70 arrests. Traffic enforcement resulted in 256 traffic contacts and 65 traffic citations. There were 11 DUI arrests. Officers investigated 5 motor vehicle collisions in May. There were no collisions involving moose and no collisions involving drugs or alcohol.

One new KPD officer continued his academy training in Sitka through the entire month of May and is anticipated to graduate at the end of June. Two officers attended a three day crime conference in Anchorage. One officer attended a two week 'Use of Force Instructor' course in Anchorage.

The School Resource Officer (SRO) attended graduations for both Kenai Central High School and Kenai Alternative High School. The SRO participated in intruder response drills (ALICE) at Mountain View Elementary School and Kaleidoscope Elementary School. The SRO also helped conduct Bike Rodeos at Mountain View and Kaleidoscope.

The Department completed its submissions for accreditation and is anticipating an onsite visit from Oregon Accreditation Alliance in June, as part of the process.





MEMORANDUM

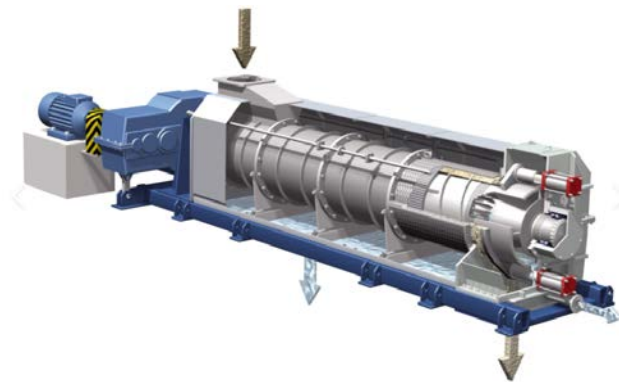
TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Public Works Director
DATE: June 2022
SUBJECT: **Mid-Month Report; Public Works / Capital Projects**

- Kenai Municipal Airport Sand Storage Facility – Orion Construction is currently under contract in the amount of \$2,289,000. The project has experienced extreme supply chain issues. March 8th had meeting with City Staff, FAA, and HDL Engineering to discuss alternatives. Held Meeting May 12, 2022 with Orion Construction and City personnel to discuss ongoing project issues. *Update: June 7th received confirmation from Orion that Steel Building is now on order through Superstructures, wall and roof panel submittals are in process.*
- Kenai Municipal Airport Airfield Drainage – Project consists of the replacement of approximately 500 lf of failing storm water pipelines located in the safety area off the northern end of the runway. 10/13/21 Contract Documents were executed with BMGC LLC in the amount of \$360,225. Airport staff has requested this project hold off until spring for operational concerns. Update: With the addition of Kenai Aviation to the airport the availability of runway closure times has been further reduced. Staff is working to reduce the length of the available runway for a limited period of time, three weeks range, to allow the contractor to work with minimal limitations within the project area. This will slightly delay the start of the project to allow for the required notifications to take place. *Update: a monitoring well was installed to verify water table elevation in the project area on June 6th. Conditions continue to be monitored, work anticipated to start later this summer as conditions allow.*
- Kenai Municipal Airport Snow Removal Equipment (SRE) – Update: This equipment is on order and dependent upon supply chain logistics will likely arrive in spring 2022. Update: Delivery of unit has experienced slight delays with mounting the blower head to the tractor. Equipment is currently scheduled for *Late June completion / ship date and arrival in Kenai in July.*
- Kenai Municipal Airport Runway Rehabilitation Project – This project known as Task 4 within HDL Engineering Consultants LLC term service agreement with the City shall provide an initial



assessment of the current condition of the airport runway. This will include geotech work, coring numerous locations of the runway. This work will provide the necessary information to coordinate with the FAA to seek grant funding for an overall runway rehabilitation project which will ultimately include the runway, taxiways, drainage, lighting, markings, etc. Once the conditions report is received, which fiscal year the project will likely need to take place will be determinable. This initial assessment and corresponding design work to an anticipated 35% level of completion has been contracted at a total cost of \$250,000 and is expected to be completed by the end of the calendar year. Update: On August 4th HDL Engineering and staff successfully completed geotech borings of the runway after hours. On October 13th HDL Engineering, City staff and the FAA discussed the findings of the geotech report. On December 6, 2021 the City received the draft Engineer's Design Report (EDR) along with the draft Geotechnical Report. Staff is reviewing the documents in house in preparation for formal discussion with the FAA in February. Project remains on schedule and within budget at this time. Contract Amendment is pending to add additional services to take the project from the current Preliminary Design to completed bid ready construction documents. Council can expect to see legislation at the next Council Meeting in early April. Ordinance 3278-2022 was approved on April 20th to secure HDLs services through Bid Phase with a contract amendment of \$781,833 executed on May 6, 2022, bringing the total cost of design to \$1,031,833.

- Waste Water Treatment Plant Replacement Sludge Press – Resolution 2020-95 approved at the December 16, 2020 Council meeting authorized HDL Engineering to begin the Design Phase of the WWTP Replacement Sludge Press. Contract Documents were executed on January 6, 2021 with a Notice to Proceed issued on January 11, 2021. A Request for Proposals from press manufactures was released on April 27, 2021 with proposals due on May 25th, 2021. Resolution 2021-42 to award an equipment purchase agreement to Andritz Corp in the amount of \$285,000 was approved by Council at the June 16, 2021 meeting. The screw press is on order and is expected to arrive in Kenai in July. *Update: Construction Documents are now complete and a formal Invitation to Bid was released on June 7th, 2022. Council can expect legislation at the July 6th meeting to award a Construction Agreement.*



- Kenai Wellhouse Relocation – Contract was executed with Polar North Construction on August 4, 2021 in the amount of \$243,172.25. Site clearing and pad preparation has been completed. *Update: Polar North is actively working on the project. Utilities have been disconnected, new foundation is now complete. Contractor is planning on moving the building fully assembled and placing on the new foundation within the next 30 days.*
- Lift Station Renovations – Resolution 2021-58 awarded HDL Engineering agreement in the amount of \$59,560 to provide bid ready construction documents for three lift stations. HDL

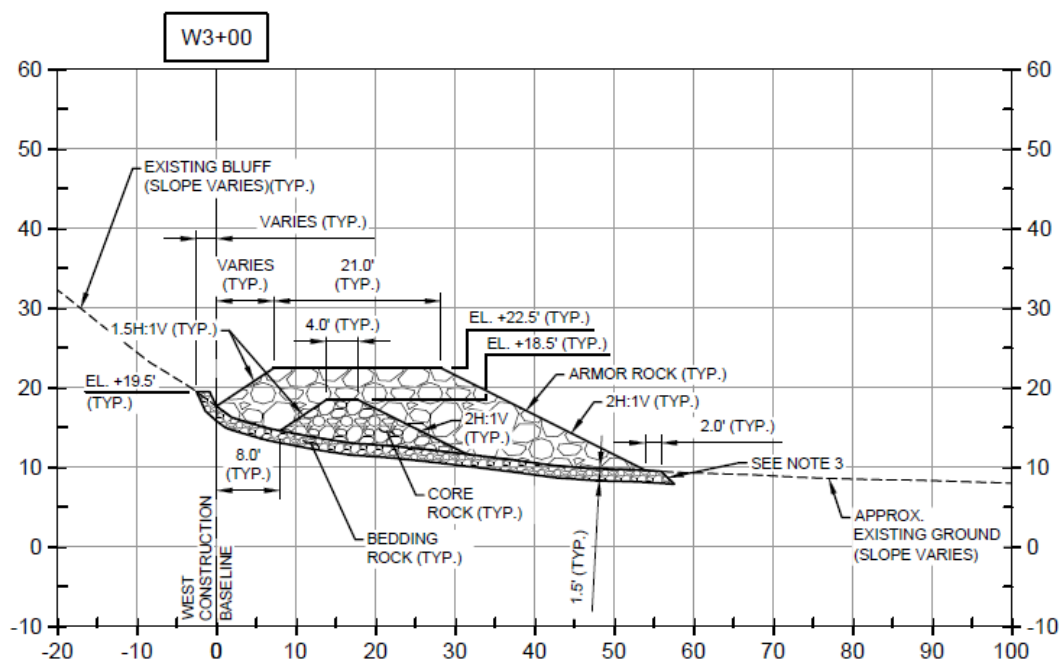


has completed on site evaluations and are nearing completion of three sites to receive upgrades. These locations included the stations at mile posts 13 and 14, which are near the soccer fields and Spur / Redoubt Ave respectively, as well as a station on Lawton Drive. These locations are intended to receive new pumps and pump control panels as part of this project. Update: After determination of which lift stations would receive renovations to start, a design meeting was held on 12/3/21 to discuss pump and control panel design. Basis of design memo received on January 6, 2022. Update: Design documents are at 65% and continue toward 95% completion. *Expecting bid ready construction documents in July 2022.*

- Mission Avenue Water Main – HDL is developing documents to address a water main that is nearing the bluffs edge along Mission Ave. This project will isolate a portion of the main in this area in anticipation of the piping eventually eroding down the bluff's edge. Installation of several new valves and relocation of two individual services are required with this work. Documents are pending completion, and will be released for Bids immediately after they are received and reviewed. The project will attempt to wait until spring for contractor's to start work if the conditions allow. Project Documents are at 100% completion. Project is being released for bid on March 10th with bids due on March 31st. Resolution 2022-12 was approved at the last meeting which completed a budget transfer to allow the project to be bid. Work will take place as weather allows in the spring. Resolution 2022-24 to award a construction contract to Fosters Construction is in the packet for April 20, 2022 council approval. Work is expected to take place in May/June. Foster's Construction is actively providing submittals and work is schedule to begin approximately June 13th. *Update: Contractor is experiencing some minor delays in obtaining materials, project will likely be delayed a week for starting.*
- Bryson Ave. Bluff Erosion Repair – Project was released for Construction Bids on July 29, 2021 with bids due on August 19, 2021. Fosters Construction was the winning bidder at a cost of \$309,775. Contract documents were executed with Fosters on September 20, 2021 and work began immediately. As of October 13, 2021 work is largely completed with the exception of topsoil and hydro-seed which will wait until spring. Change Order 1 was executed on December 27, 2022 in the amount of \$69,397.50 bringing the total contract amount to \$379,172.50. Project will be complete after top soil and seed work are completed in the spring. *Update: 6/7/21 Engineer is coordinating with Contractor, topsoil was delivered to site and did not meet specifications. Once resolved hydro-seed shall be placed. Expecting completion of work within the next 30 days*
- Multi-purpose Facility – The Building Maintenance Department went through the Ice Rink and pressure washed all of the algae that has been growing on the steel beams. Nelson Engineering was also able to come out and assess the structure and condition of the rusting. Formal report was received on October 6, 2020. Staff began repair work on the ice rink starting May 2nd, An aerial lift is being used to apply 100 gallons of Ospho rust reformer and 200 gallons of POR15 rust preventive finish coating to the steel elements within the ceiling. Staff continues working on ventilation improvements with planned upgrades to exhaust fans pending, to assist with humidity control. *Update: The project is currently tracking on time and on budget, 50% of the roof purlins have been coated to date with final completion of them by July 8th.*
- USACE Bluff Erosion –Council approved Resolution 2021-35 at the June 2, 2021 meeting awarding an agreement to HDR along with issuance of a purchase order in the amount of \$791,832.68. Design services are expected to run approximately twelve months to provide



bid ready plans and specifications. July 6, 2021 the formal agreement between the City of Kenai and HDR was executed. On August 11, 2021 the City Manager and Public Works Director met and walked the project site with representatives from the Army Corp of Engineers including the Regional Commander in charge of the project. Project kickoff meeting with Engineers was conducted on August 19th at 3:00pm. On August 29th the Data Collection Plan was received. Detailed work plan has been received by HDR, Data Collection of existing site condition is now complete. On October 4, 2021 a project meeting was held providing updates on data collection progress. On January 2, 2022 the City received 35% Design Documents from HDR, staff was able to review those documents with HDR uploading them to the Corps website on January 25th. Comments were received by the Corps over several days with a formal response to questions provided back to the Corps on February 9th. On February 10th a meeting was conducted with the Corps, HDR and the City to discuss review comments. On March 3rd federal funding in the amount of \$650,000 was received by the USACE to be used toward the design effort of the project. This allows Corps staff to bill time to the project in support of our efforts. On March 10th the City submitted a letter for Request for Work in Kind, to cover the expenses the City has incurred through HDR Engineers Inc. in the amount of \$248,676.73, which covers progress from July through November 2021. On March 25th meeting with USACE reps where full team of Corp reps are being introduced to the project in anticipation of providing full project review support. 65% Docs are on track for receipt by May 11th from HDR Engineering. 65% Design Docs were received ahead of schedule on April 28th. Staff and USACE counterparts are actively reviewing the documents. The documents have been uploaded to the City website under the Public Works page and are available for review by the public. Below is one example of proposed wall section. *Update: Value Engineering Workshop is scheduled with USACE for June 21-24 at JBER. This will complete the requirement of completion of a VE Study for the project.*



- Cemetery Expansion – This project is located at the corner of First Ave and Float Plane Rd and will provide for additional burial space as the existing adjacent cemetery has reached capacity. The Public Works Department using in house personnel has already cleared, leveled and graded the site, and placed and compacted a gravel sub-base for the parking area. Update: the Cemetery site has been fine graded and grass seed and fertilizer placed. Staff has successfully surveyed in 64 adult plot sites and 12 infant plot sites. These sites are available through the Clerk's office. Additional sites will be available in the summer 2022 after installation of HEA power and irrigation well have been installed. HEA is developing design documents for City approval to bring in a 100amp electrical service to the property from off of Second St. *Update: Procurement documents for Fencing and Asphalt is in progress.*
- Recreation Center Improvements – The Public Works Department released an RFP on November 18, 2021 with proposals due on December 10, 2021 to provide professional AE services for the Kenai Rec Center. This project will provide a code assessment of the facility, architectural drawings for a complete roof replacement of the facility, and mechanical / electrical drawings for the replacement of aging HVAC equipment. Update: Resolution 2022-06 was approved at the 1/19/22 council meeting to award a design agreement to K+A Design Studios in the amount of \$92,085. Design agreement has now been executed and project meetings are set to begin in mid-February. Resolution 2022-09 within the February 16th packet is combining funding from several smaller projects into this one larger one. *Update: On March 21st the design team provided the code assessment for the facility identifying several issues which are under review by Public Works Staff. Update: Design continues toward 95% anticipating bid ready documents end of June 2022 for a formal bid release 1st week of July.*
- Kenai Fire Department Flooring Replacement – This project will be replace aging flooring materials within the station. Based on the age of the facility and previous encounters with asbestos, a Proposal Quote Request was released on 12/1/21 with proposals due on 12/10/21 to sample and test for asbestos containing materials within the proposed work area. Contract was awarded on 12/20/21 with a Notice to Proceed granted on 1/11/21 with report due back to City on 2/14/22. The results of the testing will determine our next course of action. If asbestos is discovered steps to conduct abatement will need to be completed prior to replacement of flooring materials. The testing costs are \$4,112 at this time. May 18th council meeting has an Ordinance requesting an additional \$20,000 in supplemental funding to complete abatement and allow the project to proceed. *Update: Supplemental funding approved and request for quotes is in progress to complete the asbestos abatement previously identified.*
- Visitor Center Roof Replacement – Request for Proposal Documents are pending to obtain professional services to provide bid ready construction documents for the planned roof replacement at the Visitors Center. RFP release is anticipated for late January 2022 to provide for shingle replacements during the summer months 2022. Update: A Proposal Quote Request was released on January 25th with proposals due on February 15th to provide Bid Ready Construction documents for this project. Council can expect to see legislation in March awarding the design agreement. Update: K+A Architecture was the successful proposer and *95% design documents were provided for staff review on May 31, 2022. Invitation to Bid for construction is anticipated for the week of June 13th, 2022.*



- DOT Kenai Spur Highway to Sports Lake Rd – In speaking with representatives from DOT on June 10, 2021, it is my understanding this project will likely be released for construction bids in late fall 2021 for an anticipated construction start of Spring/Summer 2022. This project is intended to continue the widening of the roadway similar to the previous project that extended to approximately Swires Rd. *Nothing new to report at this time.*
- DOT Bridge Access Road Bike Path – Council passed Resolution 2021-53 on August 4, 2021 authorizing the City Manager execute a memorandum of agreement with DOT for design, construction, and maintenance of the Kenai Bridge Access Road Pathway project. In speaking with representatives from DOT the state has not provided funding as yet for this project to move forward. To date the City has appropriated \$294,947 in support of this project which is intended to provide a 1.2 mile path connecting the paths between the Spur Highway and Beaver Loop. Total cost of project per DOT estimates equals \$3,266,301. Per communications with the DOT, design funding is in place and they are waiting on final signatures for the Reimbursable Services Agreement (RSA) with DNR. Once the RSA is approved they will be able to begin design work. Process is expected to be completed by the end of January. Update: Formal kickoff meeting took place on March 30th with the City Manager and Public Works Director in attendance. From appearances this design process will be a slow one, we are not anticipating seeing construction on the path this calendar year. Will continue to update as more information becomes available. *Update: A site meeting will be taking place between the City, DNR, & DOT on 6/9/22 to review the project. HDL Engineering appears to conducting surveying services in support of the project, crews were in the area on 6/7/22.*
- Kenai Dog Park – Public Works Director has been coordinating with representatives from the Dog Park Committee. A formal meeting has been scheduled for April 19th to discuss path forward. Committee also has a planned presentation scheduled for the Council meeting on April 20th. *Additional land was granted for the park, and staff is working with volunteers to get the additional area staked and cleared. Currently \$63,000 of funding is available for the project. Update: Surveying services through McLane's Consulting have been contracted, communications with Dog Park representatives, volunteers, and Parks & Recs is ongoing. Much physical progress is not anticipated until July.*
- Roadway Improvements – Nelson Engineering was the successful proposer to provide bid ready construction documents for improvements to Wildwood Dr, Willow Ave, First St. as well as multiple smaller misc. repairs. *Update: Contract documents have been executed, geotech soil borings have been completed, site survey work has begun.*
- Little League Restrooms – Public Works Staff has started on the Scope of Work for the planned new restroom facilities at the ball fields on South Spruce St. In coordination with the Parks & Rec Director, design services will be secured to finalize bid ready construction documents. Current anticipated release for Construction Bids is late summer. A Request for Quotes for design services was released on May 5th to provide bid ready documents to construct three new restrooms adjacent to the existing snack shack. *Update: No proposals were received by the City for this release, comments from firms were everyone is too busy with work for this small of a project. We will modify our delivery requirements so work may be completed into the fall / winter with a spring 2023 construction start expectation.*



- Streets Department CAT 160 Grader has arrived and is being prepped for service. Unit was delivered as budgeted and final payment is in process at \$319,948.





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: June 7, 2022
SUBJECT: **May 2022 Monthly Report**

The month of May has been filled with getting the greenhouse ready for the summer season. We've seen quite a few of our "snowbirds" return from their winter destinations. Dining room meals continue to increase every month.

The local Food Bank received thousands of pounds of Sockeye and Coho salmon from an outside distributor. We have been able to have salmon on the menu consistently for the first time in several years. While salmon would seem common in our area, many seniors are not able to fish or purchase it for themselves. What a treat it has been for them!

	2022	2021
Home Delivered Meals	2015	2468
Individuals	94	108
Dining Room (Congregate) Meals	834	177
Individuals	113	57
Transportation (1-way rides)	193	0
Individuals	16	0
Grocery Shopping Assistance	3	2
SIGN-INS VIA MySeniorCenter©		
Writers Group	23	9
Caregiver Support Group	3	13
Growing Stronger Exercise	236	25
Tai Chi Class	32	10
TOPS Weight Loss Class	40	8
Bluegrass & Music Sessions	52	0
Card Games	113	0
Wii Bowling	31	0
Arts & Crafts	29	0
Total Event Sign-ins *	1562	968
Individuals *	171	124
Vintage Pointe Manor Vacancies	2	0

* (not including home meals clients)

PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: JUNE 15, 2022

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
MIDMARK CORPORATION	KENNEL LATCHES	ANIMAL CONTROL	REPAIR & MAINTENANCE	3,732.67
PENINSULA MEMORIAL CHAPEL	DISINTERMENT/RE-INTERMENT	CLERK	PROFESSIONAL SERVICES	4,000.00
MOTOROLA SOLUTIONS	DISPATCH RADIO SERVICE CONTRACT	COMMUNICATIONS	REPAIR & MAINTENANCE	10,811.00