



## Kenai City Council - Regular Meeting

August 05, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

**\*\*Telephonic/Virtual Information on Page 4\*\***

[www.kenai.city](http://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. **Bill Dunn** - Erosion Mitigation for the Bluff Adjacent to Toyon Way.

#### C. UNSCHEDULED PUBLIC COMMENTS

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

#### D. PUBLIC HEARINGS

1. **Ordinance No. 3146-2020** - Increasing Estimated Revenues and Appropriations in the General Fund, Library Improvement Capital Project Fund, Visitor Center Improvement Capital Project Fund, Municipal Roadway Improvements Capital Project Fund, Kenai Recreation Center Improvements Capital Project Fund, Information Technology Improvements Capital Project Fund, and City Hall Improvements Capital Project Fund to Fund Capital Projects Deferred During the FY2021 Budget Process. (Administration)
2. **Ordinance No. 3147-2020** - Accepting and Appropriating \$2,135.25 in Asset Forfeiture Sharing Funds for Purchasing Law Enforcement Equipment into the General Fund, Police Department. (Administration)
3. **Ordinance No. 3148-2020** - Accepting and Appropriating a Meals on Wheels COVID-19 Response Fund Grant Round Two from Meals on Wheels America for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

- 4. Ordinance No. 3149-2020** - Accepting and Appropriating a Grant from the Federal Aviation Administration and Authorizing the Purchase of Property Described as Lot 5, Spruce Creek Subdivision which is in the Airport's Runway Protection Zone. (Administration)
- 5. Resolution No. 2020-63** - Declaring a Right-Of-Way for a Portion of the Cul-De-Sac at the North End of Daubenspeck Circle as Dedicated on Baron Park 2012 Addition, Plat KN 2012-89, and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)
- 6. Resolution No. 2020-64** - Authorizing the Award of a Professional Services Agreement for Kenai Small Business Development and Tourism Marketing Services Related to the COVID-19 Public Health Emergency. (Administration)
- 7. Resolution No. 2020-65** - Authorizing the Award of a Professional Services Agreement for Mental Health Services Related to the COVID-19 Public Health Emergency. (Administration)
- 8. Resolution No. 2020-66** - Awarding a Purchase Agreement for the Supply and Delivery of Chemicals for the Water and Waste Water Treatment Plants. (Administration)
- 9. Resolution No. 2020-67** - Approving a Grant to the Alaska Municipal League Utilizing Funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. (Council Member Navarre)

**E. MINUTES**

- 1.** \*Regular Meeting of July 15, 2020. (City Clerk)

**F. UNFINISHED BUSINESS**

- 1. Substitute Ordinance No. 3133-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue Fund, Authorizing a Budget Transfer in the Airport Terminal Improvement Capital Project Fund and Appropriating FY2020 Budgeted Funds in the Airport Master Plan Capital Project, Airport Snow Removal Equipment and Airport Operations Facility Improvement Capital Project Funds for Heating, Ventilation and Air Conditioning (HVAC) Improvement to the Airport Operations Facility and Replacement of the Airport's Wide Area Mower. (Administration) [**Clerk's Note:** *At the July 15 Meeting, this item was Postponed to this Council Meeting. A Motion to Enact is On the Floor.*]

**G. NEW BUSINESS**

- 1. \*Action/Approval** - Bills to be Ratified. (Administration)
- 2. \*Action/Approval** - Purchase Orders Over \$15,000. (Administration)
- 3. \*Action/Approval** - Non-Objection to the Renewal of Marijuana Licenses for Peninsula Botanicals, Kenai River Cannabis, Herban Extracts, LLC, and East Rip. (City Clerk)
- 4. \*Ordinance No. 3150-2020** - Waiving Kenai Municipal Code 21.10.130 - Lease Execution, and Approving a Lease Execution Extension to May 31, 2021 to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat. (Administration)

- 5.** \*Ordinance No. 3151-2020 - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)
- 6.** \*Ordinance No. 3152-2020 - Accepting and Appropriating a Project Ready Mini Grant from the Alaska State Library for Implementing the Know Your Neighbor: Kindness Kits Project at the Kenai Community Library. (Administration)
- 7.** \*Ordinance No. 3153-2020 - Appropriating Excess Funds Received from the Issuance of General Obligation Refunding Bonds. (Administration)
- 8.** \*Ordinance No. 3154-2020 - Accepting and Appropriating a Grant from the National Marine Fisheries Service Passed Through the Pacific States Marine Fisheries Commission, Accepting and Appropriating Additional Insurance Proceeds, and Awarding a Contract for Repair to the Kenai City Dock for Damage Caused by Earthquakes in 2016 and 2018 and Installation of a Cathodic Protection System to Prevent Corrosion. (Administration)
- 9. Discussion** - Response to COVID-19. (City Manager)
- 10. Discussion** - City of Kenai Response to Governor Dunleavy's Local Mitigation Level Recommendations and Consideration of Joint Work Session with the City Of Soldotna Council. (City Manager)

#### **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**

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) **[Clerk's Note: At the July 1 Meeting, this item was Postponed to the 08/19/20 Council Meeting.]**
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) **[Clerk's Note: At the July 1 Meeting, this Item was Postponed to the 08/19/20 Council Meeting.]**

**N. ADJOURNMENT**

**O. INFORMATION ITEMS**

1. Purchase Orders Between \$2,500 and \$15,000.
2. Cook Inlet RCAC Correspondence.
3. Kenai Municipal Airport Bulletin - Security Awareness.
4. U.S. Army Corps of Engineers - Special Public Notice.
5. Ken and Connie Tarbox Correspondence.

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://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/89285449548>

**Meeting ID:** 892 8544 9548 **Passcode:** 936941

OR

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

**Meeting ID:** 892 8544 9548 **Passcode:** 936941

**WILLIAM R. DUNN**  
**Box 163**  
**Kenai, Alaska 99611**

**(907) 394-2887**  
**dunnwmr@gmail.com**

July 28, 2020

To: Mayor and Council Members, City of Kenai  
From: Bill Dunn  
Subject: EROSION MITIGATION MEASURES FOR THE BLUFF  
ADJACENT TO TOYON WAY

Bluff erosion in the above-referenced area has recently been severe. Several factors contributed, including:

- The action of tides, winds and waves;
- Destructive human impacts resulting from trespass on the bluff;
- Loss of vegetation that once inhibited erosion;
- Lack of a storm water system on Toyon Way (parallel to this section of the bluff);
- Earthquake action.

About a dozen residential structures are at risk. The stretch of bluff is approximately 1500 LF. No one considers tides, storms and earthquakes to be controllable factors, but practical mitigation measures have been neglected for many years.

In May of this year, neighbors of mine obtained a proposal from a local contractor to construct a barrier at the toe of the bluff and to promote vegetation to protect their property. These neighbors shared the proposal with as many of their neighbors as they were able to contact. One result of their initiative was the enclosed petition, which was signed by more than half of the affected property owners. (I believe everyone we were able to contact signed. I know of no opposition.) The petition seeks a community solution to this difficult problem and asks the City Manager to research the feasibility of forming a Local Improvement District (LID) to fund bluff erosion mitigation measures.

We presented the petition to the City Manager and Public Works Director in early June. The Public Works Director and the City Attorney also met with three citizens from the neighborhood in late July. Together we have looked squarely at significant challenges. They include:

- Cost and financing of effective mitigation measures;
- Land ownership issues along the bluff;

- Design needs for effective mitigation;
- Maintenance needs and costs;
- Effective signage and enforcement to prohibit trespass on the bluff to mitigate destructive human impacts.

These are difficult challenges, but they are not insurmountable. Solving problems like this needs a community approach.

I write today to request Council support for the City administration to commit the resources needed to help us form the LID to address these challenges. Failure to mitigate this erosion will result in the eventual loss of all these homes. We believe that effective and affordable mitigation measures will forestall this loss. For how long we cannot know, but we know what will happen if we do nothing; much of it has already happened.

Naturally and obviously, the homeowners have an interest in preserving these homes. Less obviously perhaps, the City does too.

Thank you for your consideration.

Very truly yours,



Bill Dunn

Encl. Petition to form LID for erosion mitigation measures (May, 2020)

PETITION  
TO FORM A LOCAL IMPROVEMENT DISTRICT (LID)  
TO FUND EROSION MITIGATION MEASURES  
FOR THE BLUFF ADJACENT TO TOYON WAY

The undersigned property owners on Toyon Way in Kenai, Alaska support effective mitigation measures to arrest and inhibit severe bluff erosion that threatens to damage and to reduce the value of our property.

In pursuit of effective mitigation measures, this petition expresses support of the following:

1. That the Kenai City Manager research the feasibility of forming a Local Improvement District (LID) to fund bluff erosion mitigation measures.
2. That the Kenai City Manager use the proposal prepared by Triangle Recycling for David Salter and Silvia Gordon as a sample mitigation project scope to develop a budgetary estimate, permitting plan, and construction schedule.
3. That the Kenai City Manager submit to the Kenai City Council a Resolution to form the Local Improvement District (LID), subject to the required approval of affected property owners.

By signing this petition, we express support for a coordinated community approach to mitigate the bluff erosion along the continuous length of the properties. In view of the risk of damage to adjacent properties that could result from separate and piecemeal projects, we believe a unified approach will provide the best mitigation for all.

Signed: David Salter Printed Name: DAVID SALTER  
 Address: 1529 Toyon Way Kenai, AK 99611  
 Telephone: 813-992-8135 Date: MAY 10, 2020

Signed: Silvia Gordon Printed Name: Silvia Gordon  
 Address: 1529 Toyon Way Kenai AK 99611  
 Telephone: 813-240-8759 Date: May 10, 2020

Signed: William Dunn Printed Name: BILL DUNN  
 Address: 1525 TOYON WAY, KENAI, AK 99611  
 Telephone: 907-394-2887 Date: May 10, 2020

PETITION TO FORM TOYON WAY LID TO FUND BLUFF EROSION MITIGATION MEASURES

Signed: [Signature] Printed Name: Kurt W. Braver  
Address: 1531 Toyon Way  
Telephone: 907 395 0599 Date: 5-24-2020

Signed: [Signature] Printed Name: MARGARET BAXTER  
Address: 1619 TOYON WAY  
Telephone: 283-6186 Date: 5-24-2020

Signed: [Signature] Printed Name: Mark Necessary  
Address: 1615 TOYON WAY  
Telephone: 907-283-4765 Date: 5-24-2020

Signed: [Signature] Printed Name: 5-21-2020  
Address: 1533 TOYON  
Telephone: 907-283-4540 Date: 5-24-2020

Signed: [Signature] Printed Name: Wayne D Wilson Jr  
Address: 1527 Toyon  
Telephone: 907-398-7839 Date: 5-27-20

Signed: [Signature] Printed Name: Loralee Anderson  
Address: 1521 Toyon Way Kenai, AK 99611  
Telephone: 907-398-2532 Date: 6/2/2020

Signed: [Signature] Printed Name: Mark Webb  
Address: 1605 Toyon Way Kenai AK 99611  
Telephone: 907-394-2617 Date: 06/02/2020





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3146-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND, LIBRARY IMPROVEMENT CAPITAL PROJECT FUND, VISITOR CENTER IMPROVEMENT CAPITAL PROJECT FUND, MUNICIPAL ROADWAY IMPROVEMENTS CAPITAL PROJECT FUND, KENAI RECREATION CENTER IMPROVEMENTS CAPITAL PROJECT FUND, INFORMATION TECHNOLOGY IMPROVEMENTS CAPITAL PROJECT FUND AND CITY HALL IMPROVEMENTS CAPITAL PROJECT FUND TO FUND CAPITAL PROJECTS DEFERRED DURING THE FY2021 BUDGET PROCESS.

WHEREAS, Uncertainty caused by the COVID-19 public health emergency resulted in deferment of \$941,560 in planned capital projects to FY2022; and,

WHEREAS, by Ordinance 3137-2020 Council appropriated \$216,560 for the Bridge Access Road bike path leaving \$725,000 in project deferments; and,

WHEREAS, the administration has identified Bryson Street Storm Drain Repairs as a project in need of immediate funding to prevent future damage and increased repair costs; and,

WHEREAS, in addition to the projects deferred to FY2022, the administration recommends funding of the FY2023 project, Willow Street Repairs, in FY2021; and,

WHEREAS, greater knowledge of the impacts of the COVID-19 public health emergency on the City's finances have led to the recommendation to fund these projects at this time; and,

WHEREAS, an expenditure of funds on these needed capital projects will create jobs and provide economic support in this critical time of recovery from the COVID-19 public health emergency; and,

WHEREAS, completion of these capital projects is in the best interest of the City and its residents by maintaining the infrastructure needed to provide City services.

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:

General Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$1,445,000</u>
Increase Appropriations –	

Transfer to Other Funds	<u>\$1,445,000</u>
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**Section 2.** That the estimated revenues and appropriations be increased as follows:

Library Improvement Capital Project Fund:

Increase Estimated Revenues – Transfer from General Fund	<u>\$58,000</u>
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Increase Appropriations – HVAC Control Upgrade - Construction	<u>\$58,000</u>
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**Section 3.** That the estimated revenues and appropriations be increased as follows:

Visitor Center Improvement Capital Project Fund:

Increase Estimated Revenues – Transfer from General Fund	<u>\$182,000</u>
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Increase Appropriations – HVAC Control Upgrade - Construction Roof Replacement – Construction	<u>\$ 62,000</u> <u>120,000</u> <u>\$182,000</u>
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**Section 4.** That the estimated revenues and appropriations be increased as follows:

Municipal Roadway Improvement Capital Project Fund:

Increase Estimated Revenues – Transfer from General Fund	<u>\$900,000</u>
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Increase Appropriations – First Street Repairs – Construction Inlet Wood Storm Drain Improvements – Construction Bryson Street Storm Drain Outfall Repair – Construction Willow Street Repaving – Construction	<u>\$ 60,000</u> <u>120,000</u> <u>300,000</u> <u>420,000</u> <u>\$900,000</u>
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**Section 5.** That the estimated revenues and appropriations be increased as follows:

Kenai Recreation Center Improvement Capital Project Fund:

Increase Estimated Revenues – Transfer from General Fund	<u>\$60,000</u>
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Increase Appropriations – Water Heater Replacement - Construction	<u>\$60,000</u>
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**Section 6.** That the estimated revenues and appropriations be increased as follows:

Information Technology Capital Project Fund:

Increase Estimated Revenues – Transfer from General Fund	<u>\$35,000</u>
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Increase Appropriations –  
IT Master Planning – Professional Services \$35,000

**Section 7.** That the estimated revenues and appropriations be increased as follows:

City Hall Improvement Capital Project Fund:  
Increase Estimated Revenues –  
Transfer from General Fund \$210,000

Increase Appropriations –  
Air Handler Replacement – Construction \$210,000

**Section 8.** 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 9.** 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 5<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: July 15, 2020  
Enacted: August 5, 2020  
Effective: August 5, 2020



# 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:** July 9, 2020

**SUBJECT:** Ordinance No. 3146-2020

The purpose of this memo is to recommend the enactment of Ordinance 3146-2020. If enacted, Ordinance 3146-2020 will accomplish three things:

1. Appropriation of capital projects deferred to FY2021 because of financial uncertainty caused by the COVID-19 public health emergency.
2. Appropriate funds for a new project to design and construct repairs to Bryson Street, where a storm drain outfall is failing and resulting in significant erosion and damage to the roadway.
3. Appropriate the first priority project slated for FY2023, previously projected for FY2022 but deferred because of financial uncertainty caused by the COVID-19 public health emergency.

In total Ordinance 3146-2020, if enacted, will appropriate \$1,445,000 of capital projects including:

1. First Street Repairs	\$ 60,000
2. Library HVAC Control Upgrade	58,000
3. Visitor Center HVAC Control Upgrade	62,000
4. Inlet Woods Storm Drain Improvements	120,000
5. Kenai Recreation Center Water Heater Replacement	60,000
6. Completion of an IT Master Plan	35,000
7. City Hall Air Handler Replacement	210,000
8. Visitor Center Roof Replacement	120,000
9. Bryson St. Repairs	300,000
10. Willow Street Resurfacing	420,000
	<u>\$1,445,000</u>

See the attached project descriptions for additional information.

Funding of these projects will ensure the City's infrastructure is maintained and will provide economic opportunity for local contractors as the City and its businesses recover from the

economic impacts of the COVID-19 public health emergency. Your support is respectfully requested.

**FIRST STREET REPAIRS**

**03**

Department: Public Works  
 Total Project Cost: \$60,000  
 Project Phased: No  
 Project Type: Infrastructure  
 Funding Source(s): General Fund  
 Potential Grant Identified: State Capital Project Submission  
 Operating Budget Impact: Minimal or No Impact



YEAR:	2021	2022	2023	2024	2025
COST:	\$60,000				

Details:  
 This project removes and replaces approximately 250 feet of damaged roadway and curb on First Street.

**LIBRARY DDC CONTROLS**

**05**

Department: Public Works  
 Total Project Cost: \$58,000  
 Project Phased: No  
 Project Type: Building Improvement  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact: Slight Decrease



YEAR:	2021	2022	2023	2024	2025
COST:	\$58,000				

Details:  
 This project replaces older control components with new, as well as recommissions existing heating, ventilation, and air conditioning (HVAC) controls system. The Library had major improvements completed approximately 10 years ago, and older areas of the library continue to struggle with maintaining set-point temperatures.



## VISITOR CENTER DDC CONTROLS

06

Department: Public Works  
 Total Project Cost: \$62,000  
 Project Phased: No  
 Project Type: Building Improvement  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact:  
 Slight Decrease



YEAR:	2021	2022	2023	2024	2025
COST:	\$62,000				

**Details:**  
 The Kenai Visitor and Cultural Center's mechanical systems and existing Direct Digital Control (DDC) systems are in need of major maintenance and recommissioning. Several areas of the facility are not operating correctly. This project will identify the components which are failing and provide for their replacements.

## INLET WOODS STORM WATER IMPROVEMENTS

07

Department: Public Works  
 Total Project Cost: \$120,000  
 Project Phased: No  
 Project Type: Infrastructure  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact:  
 Slight Decrease



YEAR:	2021	2022	2023	2024	2025
COST:	\$120,000				

**Details:**  
 This project will improve catch basin conveyance and capacity to resolve several areas within the Inlet Woods Subdivision that experience flooding of the roadways due to insufficient storm water infrastructure.



**REC CENTER WATER HEATER REPLACEMENTS**

09

Department: Public Works  
 Total Project Cost: \$60,000  
 Project Phased: No  
 Project Type: Building Improvement  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact:  
 Minimal or No Impact



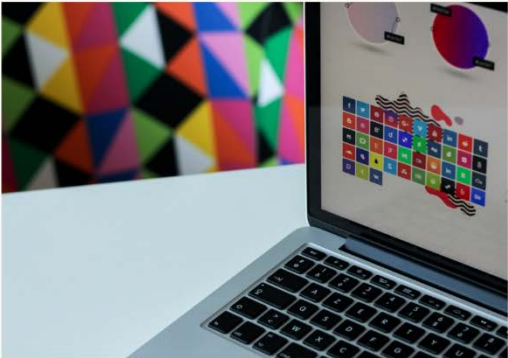
YEAR:	2021	2022	2023	2024	2025
COST:	\$60,000				

Details:  
 This project will remove and replace the existing water heaters with new comparably-sized equipment. The Kenai Recreation Center water heaters are beyond their useful life and have been requiring extensive maintenance to remain operational.

**IT MASTER PLANNING**

17

Department: Finance - Information Technology  
 Total Project Cost: \$35,000  
 Project Phased: No  
 Project Type: Technology  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact:  
 Slight Decrease



YEAR:	2021	2022	2023	2024	2025
COST:	\$35,000				

Details:  
 This project analyzes the City's needs for updating existing or new computer and network infrastructure as well as the need to update or acquire new software to increase the efficiency, transparency and effectiveness of City departments in performing their daily tasks and activities.



**CITY HALL AIR HANDLER REPLACEMENT**

**18**

Department: Public Works  
 Total Project Cost: \$210,000  
 Project Phased: No  
 Project Type: Building Improvement  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact:  
 Slight Decrease



YEAR:	2021	2022	2023	2024	2025
COST:	\$210,000				

Details:  
 This project replaces the existing roof top unit air handler at City Hall, which was installed in 1980. The Facility is approximately 9,588 square feet, and this project includes Direct Digital Controls (DDC) for operational efficiency.

**VISITOR CENTER ROOF REPLACEMENT**

**20**

Department: Public Works  
 Total Project Cost: \$120,000  
 Project Phased: No  
 Project Type: Building Improvement  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact:  
 Minimal or No Impact



YEAR:	2021	2022	2023	2024	2025
COST:	\$120,000				

Details:  
 This project removes and replaces the roof at the Kenai Visitor and Cultural Center and includes new ice and water shield. The existing Asphalt Shingle Roof has reached the end of its useful life. Leaks are occurring more often over the last few years. The existing roof is approximately 30 years old.





## BRYSON STREET STORM DRAIN REPAIR

04

Department: Public Works  
 Total Project Cost: \$300,000  
 Project Phased: No  
 Project Type: Infrastructure  
 Funding Source(s): General fund  
 Potential Grant Identified: None  
 Operating Budget Impact: Minimal or No Impact



YEAR:	2021	2022	2023	2024	2025
COST:	\$300,000				

**Details:**

This project will design and construct an existing stormwater pipe that conveys stormwater from Redoubt Avenue to the east out to Cook Inlet along Bryson Avenue. The existing pipe has failed and continues to erode section by section into the ravine that has been created by the runoff. This project will provide new piping down to a new riprap lined outfall on the beach, backfill of eroded materials with sand to restore historical grades.

## WILLOW STREET REPAIRS

21

Department: Public Works  
 Total Project Cost: \$420,000  
 Project Phased: No  
 Project Type: Infrastructure  
 Funding Source(s): General Fund  
 Potential Grant Identified: None  
 Operating Budget Impact: Slight Decrease



YEAR:	2021	2022	2023	2024	2025
COST:	\$420,000				

**Details:**

This project includes milling and repaving of asphalt roadway approximately 40 feet in width and 1,950 feet in length between Main Street and Airport Way.





# 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:** Tim Navarre and Robert Peterkin, Council Members

**DATE:** July 29, 2020

**SUBJECT:** **Ordinance No. 3146-2020** – FY 2021 Capital Improvement projects amendment to add Kenai Fine Arts Center project

The Fine Arts Center has been pursuing upgrades to the City owned building that they occupy for the last several years including upgrading the bathroom, increasing the functionality of the back portion of the building, and new windows and lighting. Design work is nearing completion. Although an estimate has not been conducted as of yet, it is anticipated that the cost of construction will be between \$100,000 and \$150,000. This amendment would commit \$100,000 in City funds to the project with the intent of the Kenai Fine Arts Center being responsible for the remainder of the cost.

Our motion is to Amend Ordinance No. 3146-2020 by adding a new Section 8 as follows:

**Section 8.** That the estimated revenues and appropriations be increased as follows:

Kenai Fine Arts Center Improvement Capital Project Fund:

Increase Estimated Revenues –	
Transfer from General Fund	<u>\$100,000</u>
Increase Appropriations –	
Construction	<u>\$100,000</u>

Your consideration is appreciated.



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3147-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING \$2,135.25 IN ASSET FORFEITURE SHARING FUNDS FOR PURCHASING LAW ENFORCEMENT EQUIPMENT INTO THE GENERAL FUND, POLICE DEPARTMENT.

WHEREAS, In June of 2020 the Kenai Police Department received asset forfeiture sharing funds in the amount of \$2,135.25 from the United States Drug Enforcement Administration (DEA); and,

WHEREAS, the Police Department, pursuant to conditions of acceptance, will utilize the forfeiture funds to purchase law enforcement equipment for use by the Police Department.

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

**Section 1.** That the City Manager is authorized to accept these Equitable Sharing Funds in the amount of \$2,135.25 and to expend those funds to fulfill the purpose and intent of this ordinance.

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

General Fund:

Increase Estimated Revenues –	
Forfeitures	<u>\$2,135.25</u>
Increase Appropriations –	
Police – Small Tools	<u>\$2,135.25</u>

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, City Clerk

Approved by Finance: 

Introduced: July 15, 2020  
Enacted: August 5, 2020  
Effective: August 5, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** David Ross, Police Chief

**DATE:** July 2, 2020

**SUBJECT:** **Ordinance No. 3147-2020, Accepting Drug Forfeiture Funds**

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The Kenai Police Department received \$2,135.25 in asset forfeiture sharing funds from the United States Drug Enforcement Administration (DEA). Those funds were shared with the Kenai Police Department after being forfeited to the DEA and are subject to federal “Equitable Sharing” requirements to be used for Law Enforcement. The funds were forfeited in connection with drug investigation cases, for which the regional drug task force (including the Kenai Police Department) was involved.

I am respectfully requesting consideration of the ordinance appropriating \$2,135.25 into the General Fund, Police Small Tools account to pay for law enforcement equipment.



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3148-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A MEALS ON WHEELS COVID-19 RESPONSE FUND GRANT ROUND TWO FROM MEALS ON WHEELS AMERICA FOR KENAI SENIOR CENTER EXPENDITURES IN SUPPORT OF ITS RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, the Kenai Senior Center is a long-standing member of the Meals on Wheels Association of America; and,

WHEREAS, Meals on Wheels America recognizes that the impact of COVID-19 on Member programs continues to grow and evolve every day; and,

WHEREAS, Meals on Wheels America offered, and the City received, first-round emergency grants of up to \$25,000 to members working to secure additional food and supplies and adapt to new procedures and delivery methods, all while experiencing a rapid increase in demand for services; and,

WHEREAS, Meals on Wheels America is now offering second-round grants to Members that were previously awarded grants from the COVID-19 Response Fund, and the City has been awarded a \$32,500 grant; and,

WHEREAS, the Kenai Senior Center has been providing additional home meals through the COVID-19 Public Health Emergency and has increased costs for food and supplies; and,

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

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$32,500 from the Meals on Wheels COVID-19 Response Fund of Meals on Wheels America for Kenai Senior Center expenditures in support of its response to the COVID-19 Public Health Emergency.

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

Senior Citizen Fund:

Increase Estimated Revenues –	
Miscellaneous Grants	<u>\$32,500</u>
Increase Appropriations –	
Home Meals – Operating & Repair Supplies	\$25,700
Home Meals – Salaries	<u>6,800</u>
	<u>\$32,500</u>

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: July 15, 2020  
Enacted: August 5, 2020  
Effective: August 5, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Kathy Romain  
**DATE:** July 2, 2020  
**SUBJECT:** **Ordinance No. 3148-2020**

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Meals on Wheels America offered a second round of grants to Members that were previously awarded grants from the COVID-19 Response Fund. This grant funding is intended to address the continued demand for critical Meals on Wheels services.

The Kenai Senior Center has received \$32,500 through this second round of grant funding in support of the services provided to meals on wheels recipients through the COVID-19 public health emergency.

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





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3149-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION AND AUTHORIZING THE PURCHASE OF PROPERTY DESCRIBED AS LOT 5, SPRUCE CREEK SUBDIVISION WHICH IS WITHIN THE AIRPORT'S RUNWAY PROTECTION ZONE.

WHEREAS, the fair market value purchase price of Lot 5, Spruce Creek Subdivision is \$16,000 as determined by a fair market value appraisal; and,

WHEREAS, the property is identified on sheet 14 of the Airport Layout Plan as an area of Future Airport Land Acquisition because it is located in the Airport's Runway Protection Zone and on sheet 17 of the Airport Layout Plan as having an avigation easement; and,

WHEREAS, the private landowner is a willing seller and has signed a purchase-sell agreement; and,

WHEREAS, it is in the best interest of the City to purchase the above-described property to be retained by the City as it will minimize noise, visual, light and weather emissions and impacts from its location within the Runway Protection Zone; and,

WHEREAS, the Airport Commission recommended purchase of the property at their July 9, 2020 meeting; and,

WHEREAS, land acquisition is FAA grant eligible, grant funds are available, and the City has been awarded a grant totaling \$26,300 comprised of 93.75% Airport Improvement Program funds and 6.25% CARES Act funds; and,

WHEREAS, with the above grant amounts, 100% of the cost of the land acquisition shall be covered by grant funds and no additional City cost share shall be required.

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

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$26,300 from the Federal Aviation Administration and to execute a grant agreement and to expend grant funds to fulfill the purpose and intent of this ordinance.

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

Airport Special Revenue Fund:

Increase Estimated Revenues –  
Federal Grant:

Airport Improvement Program (93.75%)	\$ 24,656
CARES Act (6.25%)	<u>1,644</u>
	<u>\$ 26,300</u>

Increase Appropriations – Other Buildings & Areas - Land	<u>\$26,300</u>
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**Section 3.** That the City Manager is authorized to proceed with the purchase of Lot 5, Spruce Creek Subdivision for a fair market value of \$16,000 and to pay additional costs of \$10,300 surrounding the purchase of Lot 5, Spruce Creek Subdivision to include the appraisal, closing costs, administration, and updating of the Airport Layout Plan.

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: July 15, 2020  
Enacted: August 5, 2020  
Effective: August 5, 2020



# 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:** Elizabeth Appleby, City Planner

**DATE:** July 7, 2020

**SUBJECT:** Ordinance No. 3149-2020, Purchase of Lot 5 Spruce Creek Subdivision

Lot 5, Spruce Creek Subdivision at 46875 Merganser Avenue (Kenai Peninsula Borough parcel #04317027) is near the floatplane pond and runway of Kenai Municipal Airport. This parcel was identified in the Airport Master Plan as one that was desirable to purchase by the City to protect the Kenai Municipal Airport airspace and to allow for additional Airport development. The parcel is owned by William Borgen. Mr. Borgen is a willing seller and has signed an agreement with the City to sell the property at fair market value to the City. Fair market value was determined to be \$16,000 from an appraisal conducted in May 2020 by a certified appraiser. Additional costs surrounding the purchase include the following:

\$16,000 – property price
\$ 2,600 – appraisal
\$ 6,600 – update Airport Layout Plan
<u>\$ 600 – title fee, settlement fee, and recording fees</u>
\$25,800
+ \$ 500 - Admin
<b>TOTAL - \$26,300</b>

The total purchase costs of \$26,300 are eligible for funding through the Airport Improvement Program (AIP) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The AIP will provide 93.75% of the funding, and the CARES Act will provide 6.25% of the funding. The grant monies would go to the Airport Special Revenue Fund and be appropriated for the total purchase costs. Thank you for your consideration.

### Attachments

1. Aerial Map



# Parcel to be Purchased



THIRD AVE

FLOATPLANE RD

SECOND AVE

CORAL ST

Parcel 04317027  
46875 Merganser Avenue  
Lot 5, Spruce Creek Subdivision

0 80 160 Feet



Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.



Sponsored by: Administration

## CITY OF KENAI

### RESOLUTION NO. 2020-63

A RESOLUTION OF THE CITY OF KENAI, ALASKA, DECLARING A RIGHT-OF-WAY FOR A PORTION OF THE CUL-DE-SAC AT THE NORTH END OF DAUBENSPECK CIRCLE AS DEDICATED ON BARON PARK 2012 ADDITION PLAT KN 2012-89, AND AS SET FORTH ON THE ATTACHED EXHIBIT "A" IS NOT NEEDED FOR A PUBLIC PURPOSE AND CONSENTING TO ITS VACATION.

WHEREAS, on May 27, 2020, by Resolution No. PZ2020-10 the Kenai Planning and Zoning Commission recommended that the Kenai Peninsula Borough Planning Commission approve of the preliminary plat of Baron Park 2020 Replat with a vacation of the right-of-way of the cul-de-sac dedicated on the plat of Baron Park 2012 Addition on Daubenspeck Circle; and,

WHEREAS, on July 13, 2020, the Kenai Peninsula Borough Plat Committee met and granted preliminary approval of the plat of Baron Park 2020 Replat consistent with the recommendation of the Kenai Planning and Zoning Commission; and,

WHEREAS, on July 13, 2020, the Kenai Peninsula Borough Planning Commission consented to the vacation of the cul-de-sac for Daubenspeck Circle dedicated on the plat for Baron Park 2012 Addition; and,

WHEREAS, the vacation of the right-of-way for the cul-de-sac would not vacate any utility easements and there is no needed public use for the right-of-way; and,

WHEREAS, on July 14, 2020, the Kenai Peninsula Borough submitted a letter to the Kenai City Council requesting consideration of the vacation in accordance with Alaska Statutes 29.40.140 that requires the consent of the City Council prior to vacation of a city right-of-way; and,

WHEREAS, Kenai Municipal Code 22.05.110 - Determination as to need for public use, states City Council may vacate rights-of-way or easements by resolution.

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

**Section 1.** That the right-of-way for a portion of the cul-de-sac at the north end of Daubenspeck Circle as dedicated on Baron Park 2012 Addition Plat KN 2012-89 is no longer needed for a public use and the Council of the City of Kenai consents to the vacation of the right-of-way as set forth on the attached Exhibit "A".

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5<sup>th</sup> day of August, 2020.

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BRIAN GABRIEL, SR., MAYOR

ATTEST:

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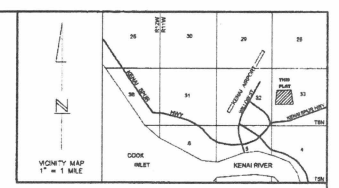
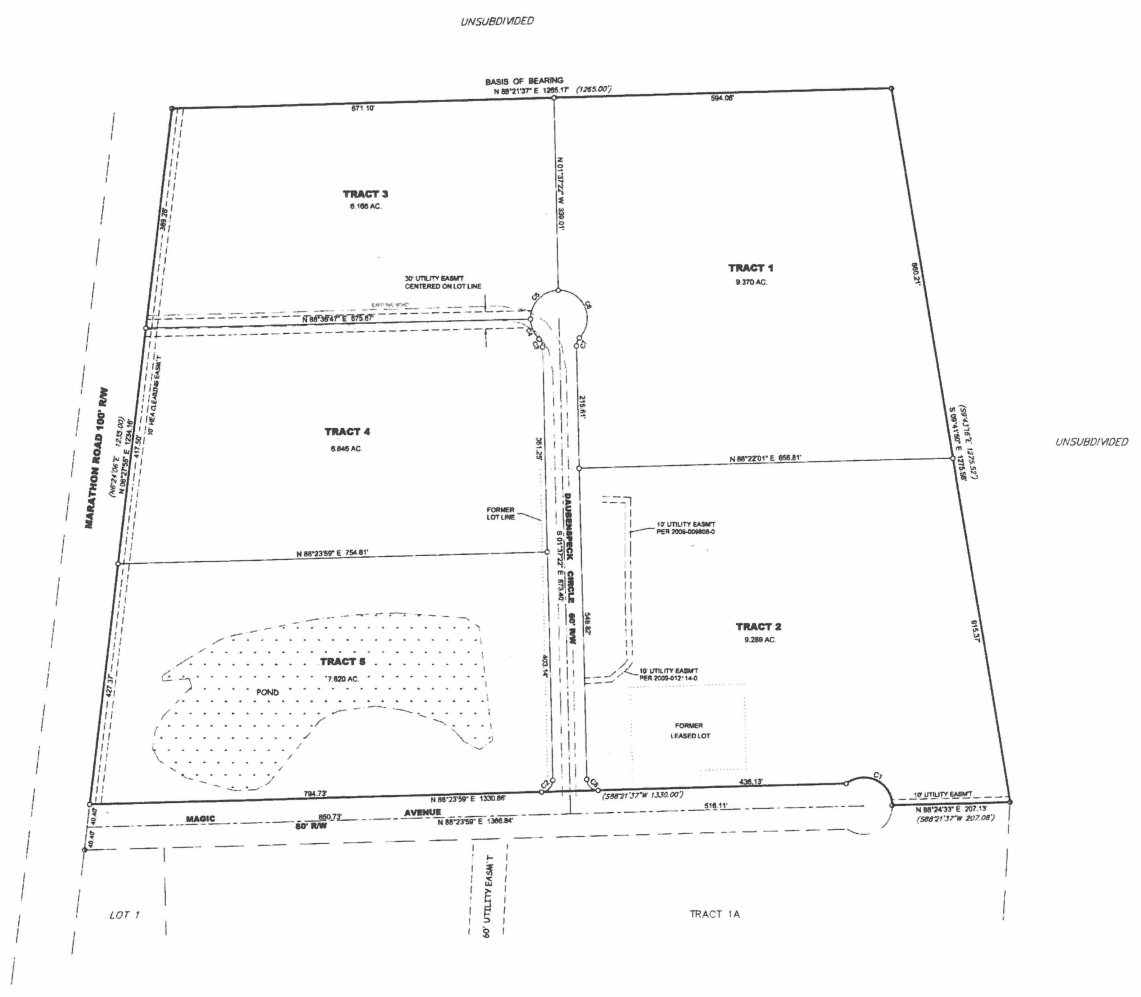
Jamie Heinz, CMC, City Clerk

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**LEGEND**

- 5/8" Rebar/Cap Recovered
- 5/8" Rebar/Cap Set this Survey
- ( ) Record Data KH1997-51



**CERTIFICATE OF OWNERSHIP AND DEDICATION**

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

*Rick Koch*  
 RICK KOCH - CITY MANAGER  
 CITY OF KENAI - 210 FIDALGO KENAI, AK 99611

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn before me this 10<sup>TH</sup> day of DECEMBER 2012

For RICK KOCH  
 Notary Public for Alaska  
 My Commission Expires 11/11/13

**PLAT APPROVAL**

The plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 11/28/12, 2012.

KENAI PENINSULA BOROUGH  
 By: *[Signature]*  
 Authorized Official



**NOTES**

Development of this subdivision is subject to the City of Kenai Zoning Regulations.

The front 10 feet along the dedicated right-of-way and 20 feet within 5 feet of the side lot lines is a utility easement.

No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

An exception to KPB 20.20.160, block length, was granted by the plat committee on 11/05/2012.

Acceptance of the plat by the Borough does not indicate acceptance of any encroachments by the City of Kenai or the Kenai Peninsula Borough

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

**CURVE DATA**

CURVE	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD BEARING
C1	50.00'	115.73'	130°33'50"	100.00'	89.48'	N 69°51'42" W
C2	30.00'	31.42'	60°01'22"	20.01'	28.29'	N 43°23'19" E
C3	30.00'	15.50'	44°34'56"	8.18'	15.12'	N 23°49'50" W
C4	50.00'	28.99'	44°41'00"	20.85'	38.01'	S 23°41'48" E
C5	50.00'	19.30'	89°33'50"	48.77'	70.54'	S 43°24'49" W
C6	50.00'	111.20'	134°24'50"	118.80'	80.19'	N 84°24'59" W
C7	30.00'	15.50'	44°34'56"	8.18'	15.12'	S 23°49'50" W
C8	30.00'	31.41'	60°01'22"	19.92'	28.29'	S 48°38'41" E

2012-89  
 Plat #  
 Kenai RECORDING DIST  
 DATE 12-13-2012  
 TIME 9:45 A.M.

KENAI RECORDING DISTRICT

**BARON PARK**  
 2012 Addition

A RESUBDIVISION OF TRACTS A-1-A, A-1-B BARON PARK SUBDIVISION (K987-51)

LOCATED WITHIN THE W1/2 SEC.33, T8N, R11W, S8M, AK  
 CITY OF KENAI, KENAI PENINSULA BOROUGH - 40.558 ACRES

WHITFORD SURVEYING  
 PO BOX 4032 - SOLDOTNA, AK 99669  
 (907) 398-6708

SURVEYED: 6-10-2012 SCALE: 1" = 100'  
 2012 FILE NO: 2012-136 DWC FILE: BARON



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** July 28, 2020

**SUBJECT:** **Resolution No. 2020-63 - Vacation of a portion of Daubenspeck Circle right-of-way**

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The preliminary plat of Baron Park 2020 Replat was contracted after City Council held a work session to discuss the Baron Park Subdivision properties. On May 27, 2020, the City of Kenai Planning & Zoning Commission passed Resolution PZ2020-10, recommending to the Kenai Peninsula Borough approval of the preliminary plat of Baron Park 2020 Replat, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

The preliminary plat of Baron Park 2020 Replat showed a vacation of the cul-de-sac at the north end of Daubenspeck Circle dedicated on the plat of Baron Park 2012 Addition Plat KN 2012-89. The Kenai Peninsula Borough Plat Committee granted preliminary approval of Baron Park 2020 Replat, and the Kenai Peninsula Borough Planning Commission consented to the right-of-way vacation during their regularly scheduled meetings of July 13, 2020. In accordance with Alaska Statutes 29.40.140, no vacation of a City right-of-way and/or easement may be made without consent of the City Council. Kenai Municipal Code 22.05.110, Determination as to the need for public use the Kenai City Council may vacate rights-of-way or easements by resolution.

The Borough Staff Report notes that the Borough does not open cul-de-sacs without the written permission of all adjacent landowners, but the City of Kenai is the only adjacent landowner for this cul-de-sac. The cul-de-sac at the end of Daubenspeck Circle would be vacated by the plat, but the existing road along the southern boundary of Tract 3A would be dedicated by the plat to extend Daubenspeck Circle back to Marathon Road. The plat does not vacate any of the existing utility easements or clearing easement within the tracts or right-of-way of Daubenspeck Circle other than the cul-de-sac. The Borough Staff Report notes that the current constructed status and use of Daubenspeck Circle does not meet the Borough definition of a cul-de-sac closed at the end and instead curves and continues west.



Thank you for your consideration.

Attachments:

1. Letter from Kenai Peninsula Borough
2. Draft 7/13/20 Borough Plat Committee Meeting Minutes
3. Pertinent materials from 7/13/20 Borough Plat Committee Meeting
4. Draft 7/13/20 Borough Planning Commission Meeting Minutes
5. Pertinent materials from 7/13/20 Borough Planning Commission Meeting
6. City P& Z Commission Resolution PZ No. 2020-10
7. Pertinent materials from 5/27/20 City P&Z Commission Meeting
8. Notes from 5/27/20 City P&Z Commission Meeting





## Planning Department

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

Charlie Pierce  
Borough Mayor

July 14, 2020

Kenai City Council  
210 Fidalgo Avenue  
Kenai, AK 99611-7794

RE: Vacate a portion of the cul-de-sac at the north end of Daubenspeck Circle as dedicated on Baron Park 2012 Addition, Plat KN 2012-89. The right-of-way is located within the W ½ of Section 33, Township 6 North, Range 11 West, City of Kenai, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-057V.

Dear Kenai City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced right-of-way vacation during their regularly scheduled meeting of July 13, 2020. This petition is being sent to you for your consideration and action.

The City Council has 30 days from July 14, 2020 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Marcus A. Mueller  
Acting Planning Director  
Kenai Peninsula Borough

Attachments:

Draft 7-13-2020 Planning Commissioner Meeting Minutes  
7-13-20 Meeting Packet Information

**AGENDA ITEM E. PUBLIC HEARINGS**

1. Vacate a portion of the cul-de-sac at the north end of Daubenspeck Circle as dedicated on Baron Park 2012 Addition, Plat KN 2012-89. The right-of-way is located within the W ½ of Section 33, Township 6 North, Range 11 West, City of Kenai, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-057V.

Staff report given by Scott Huff

**STAFF REPORT**

PC Meeting: July 13, 2020

**Purpose as stated in petition:** This plat is changing Daubenspeck Circle into a through street to Marathon Road. The portion being vacated is a portion of the cul-de-sac.

**Petitioners:** City of Kenai, Alaska.

**Notification:** Public notice appeared in the July 2, 2020 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the July 9, 2020 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

1 certified mailing was sent to owners of property within 300 feet of the proposed vacation. 1 receipt had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 1 owner within 600 feet of the proposed vacation.

12 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 7 KPB staff/Departments via a shared database.

Notices were mailed to the Kenai Post Office and Kenai Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

**Comments Received:**

ACS: No objections.

ENSTAR: Comments not received when staff report was prepared.

Homer Electric Association: No comments.

**KPB Addressing:** 400/450/500 Marathon Road and 450/550 Daubenspeck Circle will need to be updated by the City of Kenai. Existing street names listed are correct. *Platting Staff notes that the City of Kenai may remove the suffix 'circle' and change the road suffix.*

**KPB Planning:** KPB Planner was unavailable. KPB Platting Staff noted that no material site or local option zone issues. A review is not required for property inside city limits.

**KPB River Center:** The floodplain reviewer noted that this is within the City of Kenai. It is not within a Habitat Protection District.

**KPB Roads Department:** Not within KPB jurisdiction, no comments.

**Kenai Planning and Zoning Commission:** The vacation was heard as part of their discussion of the preliminary plat at their May 27, 2020 meeting. The preliminary plat, including the right of way vacation,

was approved by the adoption of the City of Kenai Planning and Zoning Commission Resolution No. 2020-10.

State Parks: No comments.

**Staff Discussion:** Daubenspeck Circle was dedicated on Baron Park 2012 Addition, KN 2012-89. The plat dedicated the right of way over the existing constructed road. That plat also showed that the road went outside the dedicated right of way and connected to Marathon Road. This proposed vacation will vacate the portion of the cul-de-sac that does not have any constructed road within the dedicated right of way. This vacation is also for right of way only and all utility easements granted adjoining the vacated portion right of way will remain in place. Staff notes that if the vacation is approved and the new right of way is dedicated that the right of way will no longer be a "Circle" as defined by KPB 14.10.070(B). This right of way is within the City of Kenai but staff would recommend changing the suffix for the right of way.

Per KPB 20.90.010, a cul-de-sac serves no through traffic and are closed permanently at one end with a vehicular turnaround area. The current constructed status of Daubenspeck Circle and its continued use does not meet the definition of a cul-de-sac as it is not closed at the end, but instead curves and continues west.

Staff does not recommend the opening of cul-de-sacs without the written permission of all property owners along the right of way. However, written permission will not be required on this vacation as the property is all owned by the City of Kenai who is the petitioner for the vacation.

If approved, the plat Baron Park 2020 Replat will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on July 13, 2020 being held prior to the Planning Commission meeting. An exception to KPB 20.30.130 Streets-curve requirements, was requested and will be heard by the Plat Committee.

#### **KPB 20.70 – Vacation Requirements.**

**Platting staff comments:** *Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:*

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

*Platting Staff Comments: A contour map has been prepared by staff.*

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

*Platting Staff Comments: The City of Kenai Planning Commission minutes have been submitted.*

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

*Platting Staff Comments: The vacation is shown on Baron Park 2020 Replat. The preliminary plat will be heard by the plat committee on July 13, 2020.*

**Staff recommendation:** *Comply with 20.70.130*

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a

vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

*Platting Staff Comments: The City of Kenai is the land owner for all lots. Typically, the lot line would extend to the center of the cul-de-sac and then extend radially to the center of the proposed curve. In this case the land owner for all lots will be signing the plat and therefore agreeing to the lot configuration.*

**Staff recommendation:** Proposed plat complies with 20.70.150.

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

*Platting Staff Comments: The partial vacation request is to eliminate the portion of the cul-de-sac bulb that is not being used, nor required, for a turnaround area at this time.*

**Staff recommendation:** Complies with 20.70.160.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*Platting Staff Comments: The right of way is already constructed in a pattern that does not require the portion of right of way being petitioned for vacation.*

**Staff recommendation:** Complies with 20.70.170.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Platting Staff Comments: There will be 60 foot right of way dedicated atop the already constructed and used road. The provided right of ways will not limit other lawful uses or access to any of the facilities or recreation in the area.*

**Staff recommendation:** Complies with 20.70.180.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*Platting Staff Comments: HEA and ACS and submitted that they had no objections or comments. The petition to vacate did not include any utility easement vacations and the proposed plat shows the utility easements granted on Baron Park 2012 Addition will remain.*

**Staff recommendation:** Comply with 20.70.190 and grant utility easements requested by providers that can be worked out and agreed upon by all parties.

**STAFF RECOMMENDATION:** Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Consent by Kenai City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Kenai City Council and utility providers.

- 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.**

**The Kenai City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

**KPB 20.70.130:**

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

END OF STAFF REPORT

Chair Martin open the item for public comment

See and hearing no one else from the public wishing to comment, Chair Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to approve the vacations as petitioned based on the means of evaluation public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

**MOTION PASSED BY MAJORITY VOTE:**

Yes	9	No	0	Absent	3
Yes	Bentz, Carluccio, Ecklund, Ernst, Fikes, Foster, Whitney, Venuti, Ruffner				
No	None				
Absent	Brantley, Ernst, Morgan				

## **E. Public Hearings**

- 1. Vacate a portion of the cul-de-sac at the north end of Daubenspeck Circle as dedicated on Baron Park 2012 Addition Plat KN 2012-89; KPB File 2020-057V; Petitioner(s): City of Kenai, Kenai, AK**

AGENDA ITEM E. PUBLIC HEARINGS

1. Vacate a portion of the cul-de-sac at the north end of Daubenspeck Circle as dedicated on Baron Park 2012 Addition, Plat KN 2012-89. The right-of-way is located within the W ½ of Section 33, Township 6 North, Range 11 West, City of Kenai, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-057V.

STAFF REPORT

PC Meeting: July 13, 2020

Purpose as stated in petition: This plat is changing Daubenspeck Circle into a through street to Marathon Road. The portion being vacated is a portion of the cul-de-sac.

Petitioners: City of Kenai, Alaska.

Notification: Public notice appeared in the July 2, 2020 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the July 9, 2020 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

1 certified mailing was sent to owners of property within 300 feet of the proposed vacation. 1 receipt had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 1 owner within 600 feet of the proposed vacation.

12 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 7 KPB staff/Departments via a shared database.

Notices were mailed to the Kenai Post Office and Kenai Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: Comments not received when staff report was prepared.

Homer Electric Association: No comments.

KPB Addressing: 400/450/500 Marathon Road and 450/550 Daubenspeck Circle will need to be updated by the City of Kenai. Existing street names listed are correct. *Platting Staff notes that the City of Kenai may remove the suffix 'circle' and change the road suffix.*

KPB Planning: KPB Planner was unavailable. KPB Platting Staff noted that no material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: The floodplain reviewer noted that this is within the City of Kenai. It is not within a Habitat Protection District.

KPB Roads Department: Not within KPB jurisdiction, no comments.

Kenai Planning and Zoning Commission: The vacation was heard as part of their discussion of the preliminary plat at their May 27, 2020 meeting. The preliminary plat, including the right of way vacation,



was approved by the adoption of the City of Kenai Planning and Zoning Commission Resolution No. 2020-10.

State Parks: No comments.

Staff Discussion: Daubenspeck Circle was dedicated on Baron Park 2012 Addition, KN 2012-89. The plat dedicated the right of way over the existing constructed road. That plat also showed that the road went outside the dedicated right of way and connected to Marathon Road. This proposed vacation will vacate the portion of the cul-de-sac that does not have any constructed road within the dedicated right of way. This vacation is also for right of way only and all utility easements granted adjoining the vacated portion right of way will remain in place. Staff notes that if the vacation is approved and the new right of way is dedicated that the right of way will no longer be a "Circle" as defined by KPB 14.10.070(B). This right of way is within the City of Kenai but staff would recommend changing the suffix for the right of way.

Per KPB 20.90.010, a cul-de-sac serves no through traffic and are closed permanently at one end with a vehicular turnaround area. The current constructed status of Daubenspeck Circle and its continued use does not meet the definition of a cul-de-sac as it is not closed at the end, but instead curves and continues west.

Staff does not recommend the opening of cul-de-sacs without the written permission of all property owners along the right of way. However, written permission will not be required on this vacation as the property is all owned by the City of Kenai who is the petitioner for the vacation.

If approved, the plat Baron Park 2020 Replat will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on July 13, 2020 being held prior to the Planning Commission meeting. An exception to KPB 20.30.130 Streets-curve requirements, was requested and will be heard by the Plat Committee.

#### **KPB 20.70 – Vacation Requirements.**

Platting staff comments: *Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:*

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

*Platting Staff Comments: A contour map has been prepared by staff.*

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

*Platting Staff Comments: The City of Kenai Planning Commission minutes have been submitted.*

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

*Platting Staff Comments: The vacation is shown on Baron Park 2020 Replat. The preliminary plat will be heard by the plat committee on July 13, 2020.*

**Staff recommendation:** *Comply with 20.70.130*

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side

of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

*Platting Staff Comments: The City of Kenai is the land owner for all lots. Typically, the lot line would extend to the center of the cul-de-sac and then extend radially to the center of the proposed curve. In this case the land owner for all lots will be signing the plat and therefore agreeing to the lot configuration.*

**Staff recommendation:** Proposed plat complies with 20.70.150.

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

*Platting Staff Comments: The partial vacation request is to eliminate the portion of the cul-de-sac bulb that is not being used, nor required, for a turnaround area at this time.*

**Staff recommendation:** Complies with 20.70.160.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*Platting Staff Comments: The right of way is already constructed in a pattern that does not require the portion of right of way being petitioned for vacation.*

**Staff recommendation:** Complies with 20.70.170.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Platting Staff Comments: There will be 60 foot right of way dedicated atop the already constructed and used road. The provided right of ways will not limit other lawful uses or access to any of the facilities or recreation in the area.*

**Staff recommendation:** Complies with 20.70.180.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*Platting Staff Comments: HEA and ACS and submitted that they had no objections or comments. The petition to vacate did not include any utility easement vacations and the proposed plat shows the utility easements granted on Baron Park 2012 Addition will remain.*

**Staff recommendation:** Comply with 20.70.190 and grant utility easements requested by providers that can be worked out and agreed upon by all parties.

**STAFF RECOMMENDATION:** Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Consent by Kenai City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Kenai City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.**

**The Kenai City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.**

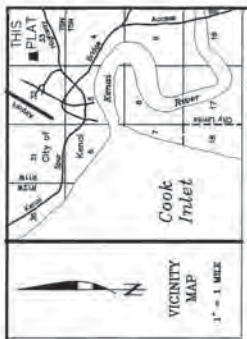
**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

**KPB 20.70.130:**

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

END OF STAFF REPORT



**CERTIFICATE OF OWNERSHIP and DEDICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE CITY OF KENAI, I HEREBY ADOPT THIS PLAN OF DEDICATION AND CONVEYANCE TO THE PUBLIC AND GRANT ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

PAUL STRANDER, CITY MANAGER  
CITY OF KENAI  
KENAI, ALASKA 99541

**NOTARY'S ACKNOWLEDGEMENT**

FOR ACKNOWLEDGEMENT BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

**CERTIFICATE OF ACCEPTANCE**

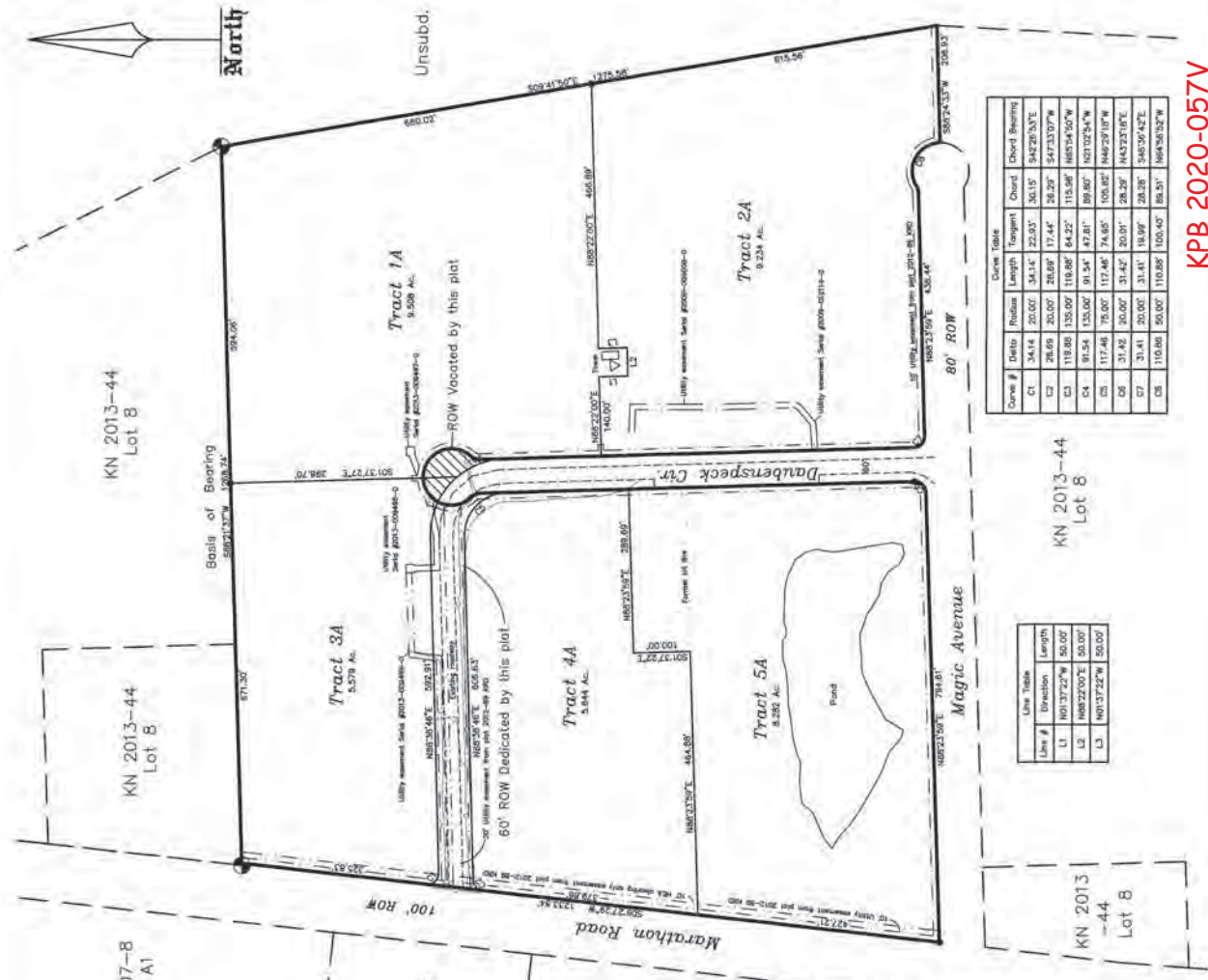
THE UNDERSIGNED OFFICIAL, QUALIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAN INCLUDING EASEMENTS AND RIGHTS-OF-WAY AS SHOWN ON THIS PLAN IDENTIFIED AS FOLLOWS: DEDICATION, CONVEYANCE, RIGHTS-OF-WAY AND EASEMENTS TO THE PUBLIC ON ANY OTHER CONCERNING BOTH TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

PAUL STRANDER, CITY MANAGER  
CITY OF KENAI

KPB FILE NO. \_\_\_\_\_

**Baron Peck**  
2020 Replat  
Amendment of Tracts 1-5, Baron Park 2012 Addition,  
Plot 2012-89, Kenai Recreating District,  
City of Kenai, Alaska  
City of Kenai, Alaska  
City of Kenai, Alaska  
City of Kenai, Alaska

**Surveyor's Certificate**  
30485 Bonland St.  
Soldotna, AK 99669  
(907) 365-3008  
City of Kenai  
210 P.O. Box  
Kenai, Alaska 99541  
JOB NO. 20224  
DRAWN: 4-30-2020  
SURVEYED: April, 2020  
SCALE: 1"=100'  
FIELD BOOK: 19-5  
SHEET: 1 of 1



Curve #	Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	34.14	20.00	54.14	23.93	30.15	S42°29'33"E
C2	28.69	20.00	28.69	17.44	20.29	S47°33'07"W
C3	118.88	135.00	118.88	64.22	115.68	N85°54'50"W
C4	91.54	135.00	91.54	47.81	99.80	N21°02'34"W
C5	117.46	75.00	117.46	74.85	105.87	N49°29'18"W
C6	31.42	30.00	31.42	20.91	28.29	N43°23'18"E
C7	31.41	30.00	31.41	18.99	28.18	S43°54'42"E
C8	118.88	50.00	118.88	105.40	99.51	N44°45'32"W

Line #	Bearing	Length
L1	N01°37'27"W	50.00
L2	N85°22'02"E	50.00
L3	N01°37'27"W	50.00

**LEGEND:**

- 3 1/4" ALUM. CAP MONUMENT FOUND
- 2 1/2" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP US8866 SET
- ( ) RECORD DATUM PLAT 2012-89 HSD

**NOTES:**

- 1) This subdivision is subject to City of Kenai Chapter 14 zoning regulations.
- 2) Basis of bearing taken from Baron Park 2012 Addition, Plot 2012-89, Kenai Recreating District.
- 3) Further development of the property shall conform to all Federal, State of Alaska, and local regulations.
- 4) Tract 15 feet adjacent to rights-of-way is shown as utility easement. No utility easement is shown for Tract 4A. Utility easement shown would interfere with the ability of a utility to use the easement.
- 5) MAXIMUM LEGAL PLAT FOR ANTEWERE DEPOSITED, BUT MUST BE RECORDED WITHIN 90 DAYS OF THE DATE OF DEPARTMENT OF ENERGY, MINERAL AND LAND CONSERVATION.

Engineer \_\_\_\_\_ License No. \_\_\_\_\_ Date \_\_\_\_\_

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_  
KENAI PENINSULA BOROUGH  
AUTHORIZED OFFICIAL \_\_\_\_\_



**SURVEYOR'S CERTIFICATE**

I hereby certify that I am properly registered and licensed under the laws of the State of Alaska and that I am duly qualified to perform the survey shown hereon. I have personally supervised the survey and the monuments shown hereon were actually set as described, and all dimensions and other data are correct.  
DATE \_\_\_\_\_

KPB 2020-057V



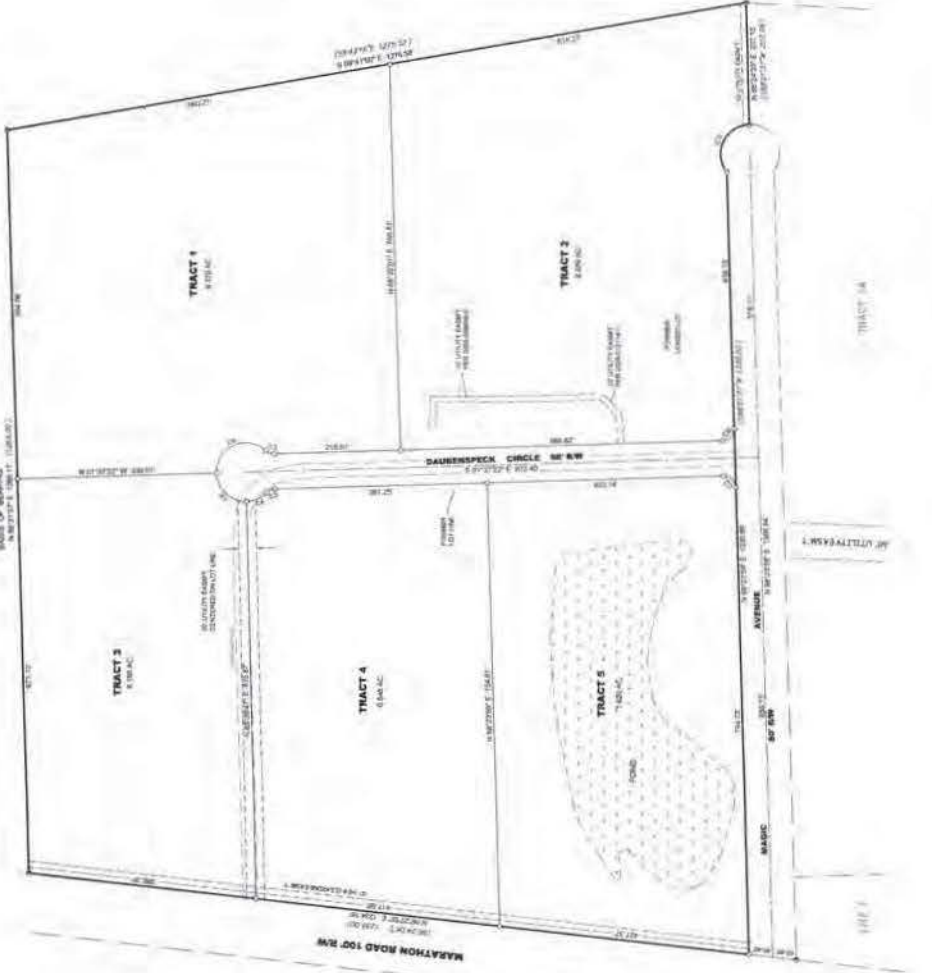
**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 We the City of Kenai, Alaska, do hereby certify that the location, description, and dimensions shown on this plat are correct and that the plat is a true and correct copy of the original plat on file in the office of the City Manager, Kenai, Alaska.

**NOTARY'S ACKNOWLEDGEMENT**  
 I, Notary Public for Alaska, do hereby certify that the above-named City Manager, Kenai, Alaska, is a duly qualified officer of said City, and that the foregoing is a true and correct copy of the original plat on file in the office of the City Manager, Kenai, Alaska.



**PLAT APPROVAL**  
 This plat was approved by the Kenai Planning Commission at the meeting of October 2, 2012.

WHITFORD SURVEYING  
 1600 W. 12TH AVENUE  
 ANCHORAGE, ALASKA 99515  
 PHONE: 907.562.1212  
 FAX: 907.562.1213



**CURVE DATA**

CURVE NUMBER	INCHES	FOOT	DEGREE	MINUTE	SECOND	CHORD BEARING
1	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
2	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
3	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
4	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
5	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
6	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
7	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
8	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
9	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W
10	10.00	110.11	95.25	00	00	N 85.25° 00' 00" W

2012-89  
 Plat #  
 4804  
 DATE: 12/13/12  
 TITLE: 0195-A

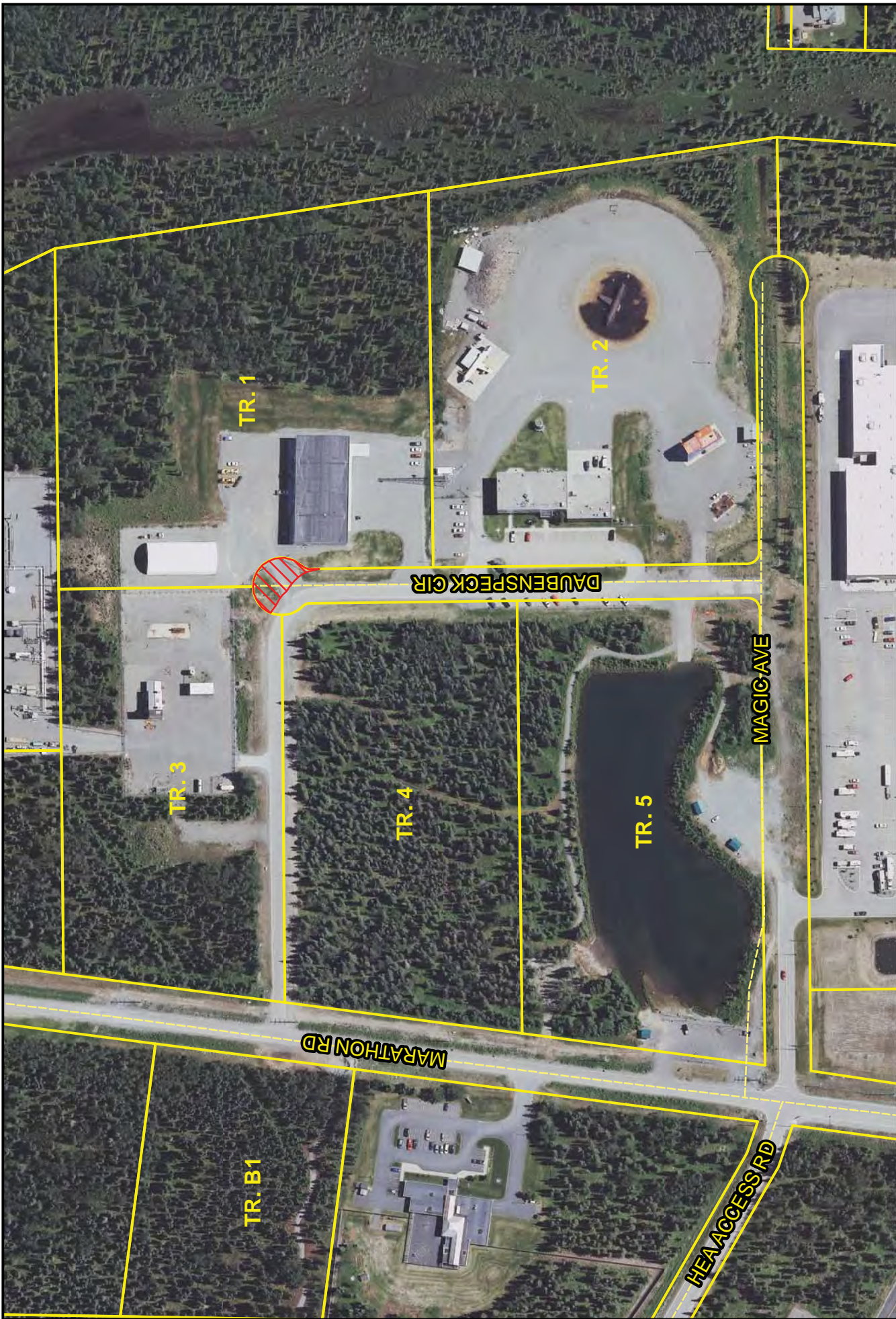


**LEGEND**  
 [Symbol] 1/4" Tract-City Parcel  
 [Symbol] 1/4" Tract-City Parcel  
 [Symbol] 1/4" Tract-City Parcel  
 [Symbol] 1/4" Tract-City Parcel



**NOTES**  
 Development of this subdivision is subject to the City of Kenai Zoning Regulations.  
 The lots 10 feet along the dedicated right-of-way and 20 feet within 5 feet of the side lot lines is a utility easement.  
 No permanent structure shall be constructed or placed within a utility easement which would interfere with the utility of a utility to use the easement.  
 An exception to MRS 20.20.180, Section length, was granted by the City of Kenai on 11/05/12.  
 The City of Kenai, Alaska, does not warrant or make any representation or warranty of any kind for the use of this plat for any purpose other than its intended use as approved by the City of Kenai for the Kenai Peninsula Borough.

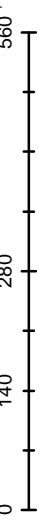
WASTEWATER DISPOSAL: Plans for wastewater disposal, that meet the requirements set forth in the City of Kenai Department of Environmental Conservation.



Proposed Location of Right of Way Vacation



**Aerial View**

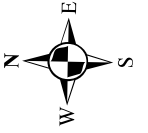


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Date: 6/30/202

S. Huff, KPB



### AERIAL IMAGERY - 2016 4 FOOT CONTOURS

880 Feet

440

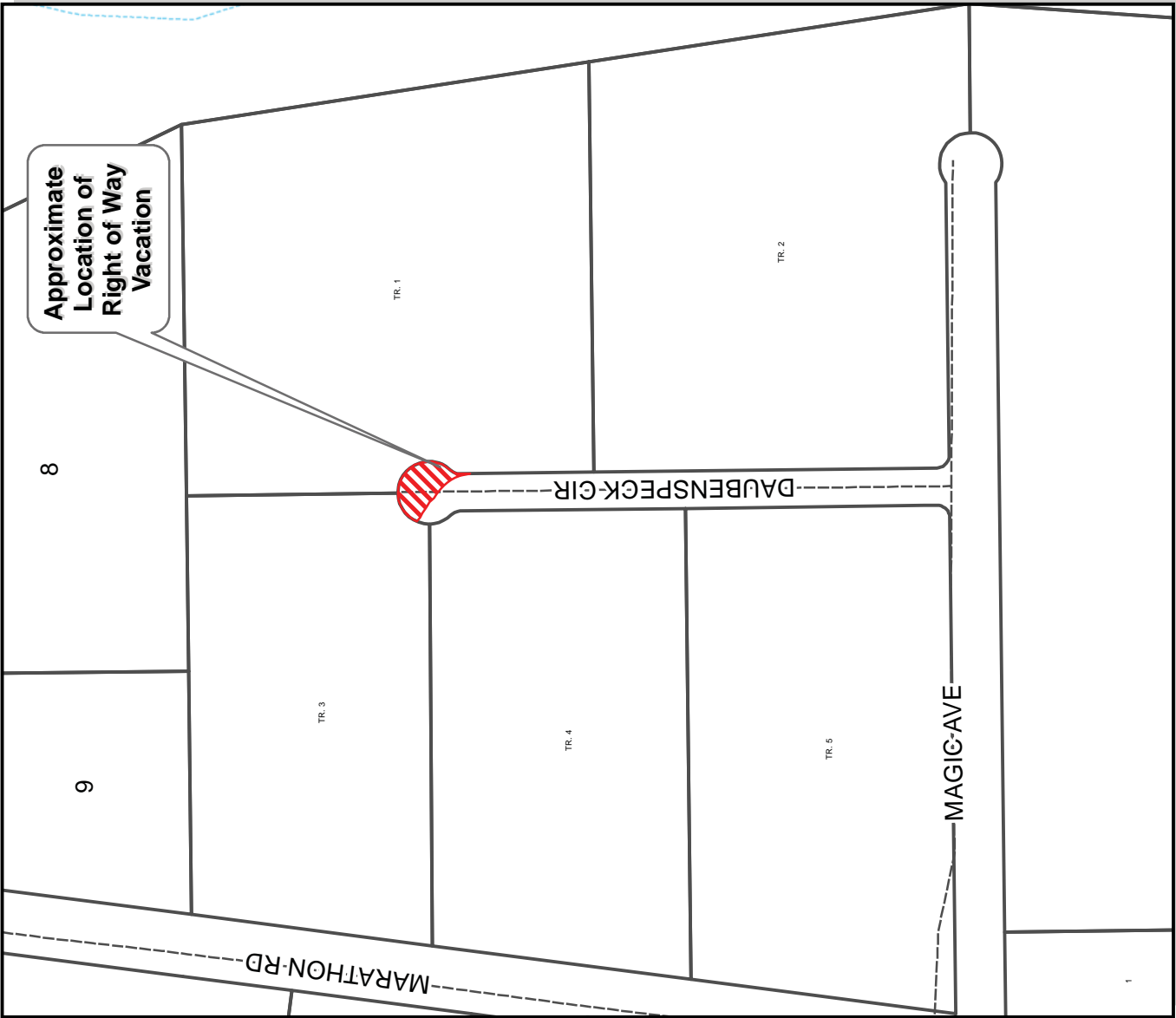
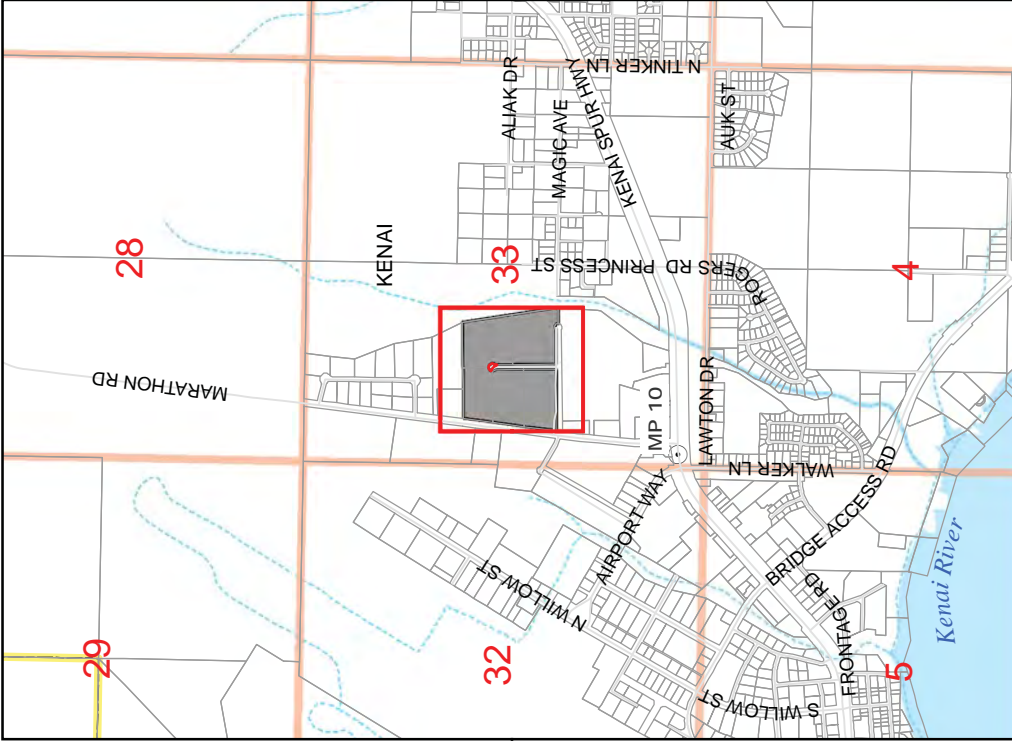
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The information depicted hereon is for graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2020-057V  
T06N R11W S33  
KENAI**



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.







*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
 Telephone: 907-283-7535 / Fax: 907-283-3014  
[www.kenai.city](http://www.kenai.city)

June 3, 2020

Scott Huff, Platting Officer  
 Kenai Peninsula Borough  
 Planning Department  
 144 North Binkley  
 Soldotna, AK 99669

RE: PZ2020-10 – Baron Park 2020 Replat

Dear Mr. Huff:

The Planning and Zoning Commission reviewed the above-referenced plat at their meeting on May 27, 2020. Based upon the submitted materials and this review, the preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations*. City staff recommends approval of the preliminary plat of General Aviation Apron Tract A Replat, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

I have included a copy of the signed resolution, staff report and draft of the minutes for your information..

If you need additional information, please let me know.

Sincerely,

*Wilma*  
 Wilma E. Anderson  
 Planning Assistant

cc: Segesser Surveys, Inc.



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 2020-10**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT BARON PARK 2020 REPLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Incorporated; and,

WHEREAS, the plat meets City Code requirements of the Light Industrial Zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, the plat maintains existing utility easements and clearing easement; and,

WHEREAS, the plat will not change the existing access to the properties; and,

WHEREAS, Marathon Road is paved and Magic Avenue and Daubenspeck Circle are gravel and City-maintained roads providing access to the property; and,

WHEREAS, the plat dedicates a sixty-foot right-of-way along the existing road between Tract 3A and 4A, Baron Park 2020 Replat; and

WHEREAS, the plat vacates a portion of the turnaround at the north end of Daubenspeck Circle.; and

WHEREAS, an installation agreement is not required; and,

WHEREAS, the plat is consistent with City Council Resolutions 2019-55 and 2019-54 regarding the Baron Park Subdivision plat and management authority between the City's Airport Fund and General Fund; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, an easement is sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the proposed lot meets standards for connection to City water and sewer lines.
  2. Pursuant to Kenai Municipal Code 14.10.080 Minimum improvements required, there is adequate access and facilities available to the proposed parcel. An installation agreement is not required.
-

Resolution No. PZ2020-10  
Page 2 of 2

3. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the lot meets City standards for minimum lot sizes.
4. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

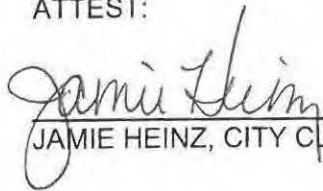
**Section 1.** That the preliminary plat of Baron Park 2020 Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of May, 2020.

  
\_\_\_\_\_  
JEFF TWAIT, CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
JAMIE HEINZ, CITY CLERK





# KENAI

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

## STAFF REPORT

**TO:** Planning and Zoning Commission  
**FROM:** Elizabeth Appleby, City Planner  
**DATE:** May 20, 2020  
**SUBJECT:** PZ2020-10 – Baron Park 2020 Replat

**Applicant:** City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

**Submitted By:** Segesser Surveys, Inc.  
30485 Rosland Street  
Soldotna, AK 99669

**Requested Action:** Preliminary Plat - Baron Park 2020 Replat

**Legal Description:** Tracts One through Five, inclusive, Baron Park 2012 Addition

**Property Address:** 550 Daubenspeck Circle; 450 Daubenspeck Circle; 500 Marathon Road; 450 Marathon Road; and 400 Marathon Road

**KPB Parcel No:** 04501032; 04501033; 04501034; 04502035; and 04502036

**Lot Size:** 9.37 acres (408,157 square feet); 9.29 acres (404,672 square feet); 6.17 acres (268,765 square feet); 6.85 acres (298,836 square feet); and 7.62 acres (331,927 square feet)

**Existing Zoning:** Light Industrial (IL)

**Current Land Use:** City Shop, Fire Training Facility, Vacant (available for lease); and Daubenspeck Family Park

**Land Use Plan:** Institutional (Tract 2); Industrial (Tracts 1, 3 and 4); and Parks, Recreation & Open Space (Tract 5)

## GENERAL INFORMATION

Segesser Surveys, Inc. has submitted a preliminary plat on behalf of the City of Kenai. The plat affects the parcels described as Tracts One through Five, inclusive, Baron Park 2012 Addition. The lot lines between Tracts Four and Five will be reconfigured to add square footage to the Tract to be known as Tract 5A, Baron Park 2020 Replat to accommodate the development of a dog park adjacent to Daubenspeck Family Park. The lot lines between Tracts One and Two will be reconfigured to add the area designated for the cell tower to Tract 1A, Baron Park 2020 Replat. Finally, the plat of Baron Park 2020 Replat will dedicate a sixty-foot right-of-way along the existing roadway between Tracts 3A and 4A and vacate the turnaround at the North end of Daubenspeck Circle.

These changes were made after City Council held a work session in 2019 to discuss the Baron Park Subdivision properties. City Council passed Resolution 2019-55 and 2019-54 to amend management authority between the Airport Fund and General Fund to accurately reflect investment and responsibility. The memorandum for these Resolutions mentions the City's plan to move forward with a subdivision to address the issues with the existing and unplatted road, the dog park, and the communication tower. The change to add the communication tower to proposed Tract 1A will keep it under management of the City's General Fund. Proposed Tract 2A contains the Fire Training Facility and is under management of the City's Airport Fund. Proposed Tract 4A would still be available for lease and under management of the Airport Fund. Proposed Tract 5A would contain the dog park and Daubenspeck Park and would be under management of the City's General Fund. Tract 3A would remain under management of the Airport Fund and the existing road along the southern boundary would be dedicated by the plat.

### Application, Public Notice, Public Comment

*KMC 14.10.010 General* under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. Kenai Municipal Code (*KMC*) *14.10.060* describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The surveyor completed the plat submittal form on behalf of the property owners. City staff deemed the application to be complete. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements.

City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of May 22, 2020.

## ANALYSIS



Access to the proposed tracts is via Marathon Road, Magic Avenue, and Daubenspeck Circle, which are paved (Marathon) and gravel (Magic and Daubenspeck) and maintained by the City of Kenai. The proposed plat does not vacate any of the existing utility easements or clearing easement within the tracts and the existing right-of way of Daubenspeck Circle.

City of Kenai water and sewer lines are within the right-of-ways of Marathon Road, Magic Avenue, and Daubenspeck Circle and the interior of Tract Two, Baron Park 2012 Addition. An installation agreement is not required.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations*. City staff recommends a condition of approval for the property to conform to all federal, State of Alaska, and local regulations.

### RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Baron Park 2020 Replat, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

### ATTACHMENTS

1. Resolution No. PZ2020-10
2. Application
3. Preliminary Plat
4. Current Plat with Changes
5. Aerial Map



**KENAI PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**MAY 27, 2020 – 7:00 P.M.**  
**KENAI CITY HALL**  
**210 FIDALGO AVENUE, KENAI, ALASKA**  
**CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

Commission Chair J. Twait called the meeting to order at 7:10 p.m.

**1. Pledge of Allegiance**

Commission Chair J. Twait led those assembled in the Pledge of the Allegiance.

**2. Roll Call**

Commissioners present: J. Twait, D. Fikes, V. Askin, T. McIntyre, G. Greenberg, J. Halstead

Commissioners absent: R. Springer

Staff/Council Liaison present: City Planner E. Appleby, Deputy Clerk J. LaPlante, Council Liaison H. Knackstedt

A quorum was present.

**3. Agenda Approval**

**MOTION:**

Commissioner Halstead **MOVED** to approve the agenda and Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Halstead **SECONDED** the motion. There were no objections; **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 – R. Springer

**B. APPROVAL OF MINUTES**

1. \*May 13, 2020

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT** – None.

**D. UNSCHEDULED PUBLIC COMMENT** – None.

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2020-10** - Preliminary Subdivision Plat of Baron Park 2020 Replat, submitted by Segesser Surveys, 30485 Rosland St., Soldotna AK 99669, on behalf of City of Kenai, 210 Fidalgo Ave., Kenai, AK 99611

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution PZ2020-10 and Commissioner Askin **SECONDED** the motion.

The staff report was reviewed as provided in the packet and it was recommended the preliminary plat of Baron Park 2020 Replat be approved with the condition that further development of the property shall conform to all federal, State of Alaska, and local regulations.

Chair Twait opened the floor for public testimony; there being no one wishing to be heard, public comment was closed.

It was noted the progress had been successful; the location, creation and maintenance of the dog park was great.

It was clarified that the City of Kenai would ultimately be responsible for maintaining the dog park while a large volunteer community was assisting in the maintenance of it.

**VOTE:**

YEA: Greenberg, McIntyre, Halstead, Fikes, Askin, Twait

NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Resolution PZ2020-14** - Preliminary Subdivision Plat of Newton-Segura Subdivision, submitted by Segesser Surveys, 30485 Rosland St., Soldotna AK 99669, on behalf of Frank D. and Marilyn K. Newton, 260 Juliussen St., Kenai, AK 99611 and Peggy A. Segura, 270 Juliussen St., Kenai, AK 99611

**MOTION:**

Commissioner Fikes **MOVED** to approve Resolution PZ2020-14 and Commissioner Askin **SECONDED** the motion.





Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2020 - 64**

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR KENAI SMALL BUSINESS DEVELOPMENT AND TOURISM MARKETING SERVICES RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, Resolution No. 2020-54 amended the City’s Grant Disbursement Program for Small Business and Non-Profit Organizations Utilizing Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to include an Individual Assistance grant program for Small Business Development and Tourism Marketing Services; and,

WHEREAS, the City of Kenai released a Request for Proposals on July 24, 2020 with bids due on August 3, 2020; and,

WHEREAS, the City received \_\_\_\_\_ bids as indicated below

Contractor	Bid

; and,

WHEREAS, \_\_\_\_\_ was found to be the lowest responsive responsible bidder; and,

WHEREAS, the Administration recommends award to \_\_\_\_\_ in the best interest of the City; and,

WHEREAS, funding for this project is being provided through the Federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) passed through the State of Alaska for expenditures in response to and to aid in the economic recovery from the COVID-19 Public Health Emergency.

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

**Section 1.** That the Kenai City Council authorizes the City Manager to execute a professional services agreement with \_\_\_\_\_ in the amount of \_\_\_\_\_.

**Section 2.** That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

Resolution No. 2020-64  
Page 2 of 2

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

\_\_\_\_\_



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Paul Ostrander, City Manager

**DATE:** June 24, 2020

**SUBJECT:** **Resolution 2020-64 – Kenai Small Business Development and Marketing Services**

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On May 20, 2020, the City Council enacted Ordinance 3130-2020 accepting Federal CARES Act funding passed through the State of Alaska for expenditures in response to the COVID-19 Public Health Emergency. On June 3, 2020, the City Council passed Resolution 2020-39, approving a \$3,000,000 Grant Disbursement Program for Small Businesses and Non-Profit Organizations Utilizing Funds from the CARES Act. This was amended by the passage of Resolution 2020-54, to allow the remaining funds from the first grant program be distributed through a second grant program and to establish Individual Assistance grant programs to provide individual assistance to the community's smaller businesses that did not qualify for the City's Small Business Grant program, for commercial fishers, and for renters and homeowners. The newly established programs also included programs to assist residents in need of mental health services and the business community with professional marketing support in light of decreased customer demand.

The Kenai Small Business Development and Marketing Services Request for Proposals was issued on July 20, 2020, with proposals due on August 3, 2020. As a result of the proposal due date being two days prior to the Council Meeting, a substitute Resolution and memo will be provided to Council the day of the meeting to fill in the blank information on the Resolution included in the packet.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020 - 65

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR MENTAL HEALTH SERVICES RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, Resolution No. 2020-54 amended the City’s Grant Disbursement Program for Small Business and Non-Profit Organizations Utilizing Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to include an Individual Assistance grant program for Mental Health Services; and,

WHEREAS, the City of Kenai released a Request for Proposals on July 24, 2020 with bids due on August 3, 2020; and,

WHEREAS, the City received \_\_\_\_\_ bids as indicated below:

Contractor	Bid

; and,

WHEREAS, \_\_\_\_\_ was found to be the lowest responsive responsible bidder; and,

WHEREAS, the Administration recommends award to \_\_\_\_\_ in the best interest of the City; and,

WHEREAS, funding for this project is being provided through the Federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) passed through the State of Alaska for expenditures in response to and to aid in the economic recovery from the COVID-19 Public Health Emergency.

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

**Section 1.** That the Kenai City Council authorizes the City Manager to execute a professional services agreement with \_\_\_\_\_ in the amount of \_\_\_\_\_.

**Section 2.** That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

Resolution No. 2020-65  
Page 2 of 2

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

\_\_\_\_\_



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Paul Ostrander, City Manager  
**DATE:** June 24, 2020  
**SUBJECT:** Resolution 2020-65 – Kenai Mental Health Services

---

On May 20, 2020, the City Council enacted Ordinance 3130-2020 accepting Federal CARES Act funding passed through the State of Alaska for expenditures in response to the COVID-19 Public Health Emergency. On June 3, 2020, the City Council passed Resolution 2020-39, approving a \$3,000,000 Grant Disbursement Program for Small Businesses and Non-Profit Organizations Utilizing Funds from the CARES Act. This was amended by the passage of Resolution 2020-54, to allow the remaining funds from the first grant program be distributed through a second grant program and to establish Individual Assistance grant programs to provide individual assistance to the community's smaller businesses that did not qualify for the City's Small Business Grant program, for commercial fishers, and for renters and homeowners. The newly established programs also included programs to assist residents in need of mental health services and the business community with professional marketing support in light of decreased customer demand.

The Kenai Mental Health Services Request for Proposals was issued on July 20, 2020, with proposals due on August 3, 2020. As a result of the proposal due date being two days prior to the Council Meeting, a substitute Resolution and memo will be provided to Council the day of the meeting to fill in the blank information on the Resolution included in the packet.

Your consideration is appreciated.



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2020 - 66**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AWARDING A PURCHASE AGREEMENT FOR THE SUPPLY AND DELIVERY OF CHEMICALS FOR THE WATER AND WASTE WATER TREATMENT PLANTS

WHEREAS, the City of Kenai released an Invitation to Bid on July 21, 2020, with Bids due on August 4, 2020 for the chemicals needed for the water; and,

WHEREAS, the City received \_\_\_\_\_ bids as indicated below

Contractor	Bid

; and,

WHEREAS, \_\_\_\_\_ was found to be the lowest responsive responsible bidder; and,

WHEREAS, the Director of Public Works recommends award to XXXXXXXX in the best interest of the City; and,

WHEREAS, funding for this project is included in the FY2021 budget.

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

**Section 1.** That the Kenai City Council authorizes the City Manager to execute a purchase agreement with \_\_\_\_\_ and to issue a purchase order to \_\_\_\_\_ in the amount of \_\_\_\_\_.

**Section 2.** That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

\_\_\_\_\_



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Scott Curtin, Public Works Director

**DATE:** July 27, 2020

**SUBJECT:** **Resolution No. 2020-66 – Supply and Delivery of Chemicals for the Water and Waste Water Treatment Plants**

---

The 2020 Chemicals Bid was released on July 21, 2020, for the new fiscal year's supply of various chemicals for both the water and waste water plants. As bids are due on August 4, 2020, Council will be provided with either a substitute resolution or an amendment memo to fill in the blanks with the successful bidder's information on the day of the Council Meeting August 5, 2020.

Chemicals being purchased include Sodium Hypochlorite, Sodium Bisulfite, Mississippi Standard Hydrated Lime.

Your support is respectfully requested.





Sponsored by: Council Member Navarre

**CITY OF KENAI**

**RESOLUTION NO. 2020-67**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, APPROVING A GRANT TO THE ALASKA MUNICIPAL LEAGUE UTILIZING FUNDING FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT.

WHEREAS, the Alaska Municipal League (AML) is an IRS Section 115 quasi-governmental non-profit organization; and,

WHEREAS, AML's mission is to represent the unified voice of Alaska's local governments at the state and federal level, build consensus and partnerships to address Alaska's challenges and provide training and joint services to local governments; and,

WHEREAS, AML has assisted Kenai and other municipalities in Alaska through analyzing and disseminating COVID-19 information and guidance, providing platforms for information sharing, hosting teleconferences and zoom meetings for numerous groups, and acting as a liaison between local municipalities and state and federal organizations; and,

WHEREAS, AML was instrumental in developing a remote sellers sales tax collection platform for local Alaskan jurisdictions and due at least in part to the COVID-19 public health emergency, this endeavor has resulted in unexpected low financial returns for AML compared to expenditures; and,

WHEREAS, the COVID -19 public health emergency has had other significant financial impacts on AML; and,

WHEREAS, AML has devoted significant staff time and resources to support Kenai and other local municipalities during the COVID-19 public health emergency; and,

WHEREAS, while AML did apply for grant funding through the City's prior CARES Act Grant program, due to the unique nature of its organization and services, AML did not qualify under the program; and,

WHEREAS, AML has requested funding from the City as well as other local municipalities to help offset the impact of the COvid-19 public health emergency; and,

WHEREAS, AML will use the funding to help offset increased operating costs incurred during the COVID-19 public health emergency as it continues to assist Alaskan municipalities and will not use the funding for any lobbying activities; and,

WHEREAS, providing a grant to AML in the requested amount of \$18,872 is in the best interest of the City and complies with restrictions and guidance on use of City CARES Act funding

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Resolution No. 2020-67  
Page 2 of 2

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

**Section 1.** That the City Manager is authorized to issue a grant in the amount of \$18,872 from the City's COVID-19 CARES Act Administration & Non-Payroll Expenditures Department.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL, SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

\_\_\_\_\_



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Tim Navarre, Council Member

**DATE:** July 29, 2020

**SUBJECT:** **Resolution No. 2020-67 – Alaska Municipal League Grant**

---

The Alaska Municipal League has assisted Kenai and other municipalities in analyzing and disseminating COVID-19 information and guidance, providing platforms for information sharing, hosting teleconferences and zoom meetings for numerous groups, and acting as a liaison between local municipalities and state and federal organizations throughout this public health emergency. AML has been significantly impacted as an organization, dedicating substantial resources to the public health emergency and recognizing reduced financial expectations through remote sellers sales tax administration and loss of the annual AML conference. While AML did apply for the City's prior non-profit grant program, given the unique structure and services provided by AML, it did not qualify. I request your support in providing a grant to AML utilizing CARES Act funds to help offset some of the impacts AML has experienced through this public health emergency.



ONE SEALASKA PLAZA, SUITE 200 • JUNEAU, ALASKA 99801  
TEL (907) 586-1325 • FAX (907) 463-5480 • WWW.AKML.ORG

Member of the National League of Cities and the National Association of Counties

May 20, 2020

I hope that over the last few months AML has been helpful, and that our support has contributed to the good work you've been able to accomplish during this public health emergency and economic crisis. We are committed to strengthening our support in the coming months.

AML isn't just a bystander during this period; we've definitely been impacted as an organization and expect this to continue throughout next year. Staff time has been reallocated to support members during this crisis, and we expect sponsors and other outside support to diminish.

With that in mind, and in the hope that not only can we remain a strong organization but also grow and expand to meet the additional needs of our members, we are making this additional request of you.

As you can see, we hope to shore up where we are currently impacted but also make strategic decisions that strengthen our capacity to help members during the public health emergency. We believe that this is a necessary and allowable expenditure from your CARES Act funding, which makes this request less burdensome, hopefully, during a difficult time for all of us.

Ultimately, we are sure that your investment in AML will benefit you and all members over the coming months.

Please let me know if you have questions or would like to discuss this proposal in detail.

Respectfully,

A handwritten signature in blue ink, appearing to read "Nils Andreassen", with a long horizontal line extending to the right.

Nils Andreassen  
Executive Director



ONE SEALASKA PLAZA, SUITE 200 • JUNEAU, ALASKA 99801  
 TEL (907) 586-1325 • FAX (907) 463-5480 • WWW.AKML.ORG

Member of the National League of Cities and the National Association of Counties

### Statement of Need

AML has devoted a significant amount of staff time and organizational resources to support members through this public health emergency. While the last two months have been challenging, we're glad to have been able to play some role that's been helpful to our members. We know, too, that this public health emergency and economic crisis will continue. We've begun planning now for how to continue this support through FY21 and beyond. A lot of that will mean shoring up our current capacity and investing in additional measures – staff and outreach – that augment member capacity and support members.

### Request of Members

One of the very clear allowable expenditures of CARES Act funding is in support of organizations that are impacted by the public health emergency or are providing services in support of or response to this crisis. Granting funds to AML during this time, we believe, is a justifiable expense that benefits both AML and members. We've created this request for supplemental fees that you can treat as optional (but hope that you respond positively to), to be paid for from CARES Act funding as you are able. None of these funds will be used for lobbying purposes. We've estimated our total needs and pro-rated them across members. You can choose to follow this format for granting purposes or come up with a flat amount that is consistent with your budget and other community needs.

### What AML will do with these funds:

- Invest in the Remote Sales Tax program to further bring down fees and recruit new members
- Ensure social distancing and additional hygiene and sanitation measures at upcoming events
- Develop a shared service program in support of CARES Act compliance, reporting, and grants
- Implement a CARES Act hotline for accounting and legal questions to be answered
- Expand our support of AMLIP and AML-JIA as they respond to the economic impact
- Invest in additional crisis communications for FY21 – public outreach, local government value
- Support NLC and NACo outreach and advocacy for increased local funding and support

### Justification

AML is a nonprofit impacted by the COVID-19 crisis, with unanticipated costs that were not budgeted for in FY20 and that will continue to be impacted in FY21. At the same time, as a member-service organization, we can augment the capacity of local governments and provide real value in support of public health response and management, and economic relief for residents and businesses. Investments that AML makes during this time lower the costs of doing business for members and ultimately Alaska communities. These actions would not otherwise be necessary without the public health and economic crisis.

Note, for budget purposes: The AML Annual Local Government Conference will be dedicated to the Costs of COVID – Crisis Management and Recovery. We would argue that this is an allowable expenditure for participation by members, which CARES Act funding may be used for.

**KENAI CITY COUNCIL – REGULAR MEETING  
JULY 15, 2020 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
VICE MAYOR MOLLOY, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on July 15, 2020, in City Hall Council Chambers, Kenai, AK. Vice Mayor Molloy called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

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

**2. Roll Call**

There were present:

Brian Gabriel, Mayor (absent)	Robert Molloy, Vice Mayor
Henry Knackstedt	Tim Navarre
Jim Glendinging	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

Paul Ostrander, City Manager  
Jamie Heinz, City Clerk  
Jacquelyn LaPlante, Deputy Clerk

**3. Agenda Approval**

Vice Mayor Molloy noted the following revisions to the agenda and packet:

- |                  |   |
|------------------|---|
| Add to item D.5. | <b>Resolution No. 2020-62</b>   |
|                  | <ul style="list-style-type: none"> <li>Letter of Support from BIK&amp;S Alaska</li> </ul>   |
| Add to item J.1. | <b>City Manager's Report</b>  |
|                  | <ul style="list-style-type: none"> <li>CARES Act Grant Funding Thank You Letters</li> </ul> |

**MOTION:**

Council Member Knackstedt **MOVED** to approve the agenda with the requested additions to the packet and requested **UNANIMOUS CONSENT**. Council Member Glendinging **SECONDED** the motion.

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

#### 4. Consent Agenda

##### MOTION:

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**. Council Member Pettey **SECONDED** the motion.

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

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

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

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

**B. SCHEDULED PUBLIC COMMENTS** – None.

**C. UNSCHEDULED PUBLIC COMMENTS** None.

**D. PUBLIC HEARINGS**

1. **Ordinance No. 3144-2020** - Amending the Official Kenai Zoning Map by Rezoning Tracts 1 and 2, Holland Spur Highway Subdivision from Rural Residential (RR) to General Commercial (GC). (Administration)

##### MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3144-2020 and Council Member Glendening **SECONDED** the motion.

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

It was noted this was an appropriate rezoning.

##### VOTE:

YEA: Knackstedt, Pettey, Molloy, Peterkin, Navarre, Glendening

NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Ordinance No. 3145-2020** - Waiving a Provision of Kenai Municipal Code 23.40.030 – Annual Leave, to Remove the Requirement that Employees Use a Minimum Amount of Leave for Calendar Year 2020. (Legal)

##### MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3145-2020 and Council Member Pettey **SECONDED** the motion.

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

**VOTE:**

YEA: Knackstedt, Pettey, Molloy, Peterkin, Navarre, Glendening

NAY:

**MOTION PASSED UNANIMOUSLY.**

3. **Resolution No. 2020-60** - Authorizing a Budget Transfer in the COVID-19 CARES Act Recovery Fund. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-60 and Council Member Glendening **SECONDED** the motion.

Vice Mayor Molloy opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

An overview was provided noting CARES Act funding was available for public safety salaries.

**UNANIMOUS CONSENT** was requested.

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

4. **Resolution No. 2020-61** - Amending Council Policy Number 2018-01 – Parks and Recreation Commission Student Representative Policy, to Broaden the Qualifications and Requirements for the Student and Make the Policy More Inclusive. (Vice Mayor Molloy)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-61 and Council Member Glendening **SECONDED** the motion.

Vice Mayor Molloy opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

It was noted that the Parks and Recreation Commission held several meetings to discuss and recommend the change.

**UNANIMOUS CONSENT** was requested.

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

5. **Resolution No. 2020-62** - Supporting the City's Request to Plan, Design, Contract, and Perform Construction Administration of the Bridge Access Road Pedestrian Pathway Project. (Council Member Knackstedt)



**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-62 and Council Member Pettey **SECONDED** the motion.

Vice Mayor Molloy opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

It was noted the state had quite a bit of overhead that the City would be paying for if the state were to design and administer the project which would not be needed if the City were to design and administer the project.

It was also noted for the record that Mayor Gabriel had a conflict of interest and has been and will continue to be abstaining from the matter.

**UNANIMOUS CONSENT** was requested.

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

**E. MINUTES**

1. \*Regular Meeting of July 1, 2020. (City Clerk)

Approved by the consent agenda.

**F. UNFINISHED BUSINESS**

1. **Substitute Ordinance No. 3133-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue Fund, Authorizing a Budget Transfer in the Airport Terminal Improvement Capital Project Fund and Appropriating FY2020 Budgeted Funds in the Airport Master Plan Capital Project, Airport Snow Removal Equipment and Airport Operations Facility Improvement Capital Project Funds for Heating, Ventilation and Air Conditioning (HVAC) Improvement to the Airport Operations Facility and Replacement of the Airport's Wide Area Mower. (Administration) [**Clerk's Note:** *At the June 17 Meeting, this item was Postponed to this Council Meeting. A Motion to Enact is On the Floor.*]

**MOTION TO POSTPONE:**

Council Member Knackstedt **MOVED** to postpone Ordinance No. 3133-2020 to the August 5 meeting and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

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

**G. NEW BUSINESS**

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

Approved by the consent agenda.

2. \***Action/Approval** - FY2020 Purchase Orders over \$15,000. (Administration)

Approved by the consent agenda.

**3. \*Action/Approval** - FY2021 Purchase Orders over \$15,000. (Administration)

Approved by the consent agenda.

**4. \*Action/Approval** - Non-Objection to the Issuance of a New Restaurant/Eating Place Liquor License for Jersey Subs. (City Clerk)

Approved by the consent agenda.

**5. \*Ordinance No. 3146-2020** - Increasing Estimated Revenues and Appropriations in the General Fund, Library Improvement Capital Project Fund, Visitor Center Improvement Capital Project Fund, Municipal Roadway Improvements Capital Project Fund, Kenai Recreation Center Improvements Capital Project Fund, Information Technology Improvements Capital Project Fund, and City Hall Improvements Capital Project Fund to Fund Capital Projects Deferred During the FY2021 Budget Process. (Administration)

Introduced by the consent agenda and public hearing set for August 5, 2020.

**6. \*Ordinance No. 3147-2020** - Accepting and Appropriating \$2,135.25 in Asset Forfeiture Sharing Funds for Purchasing Law Enforcement Equipment into the General Fund, Police Department. (Administration)

Introduced by the consent agenda and public hearing set for August 5, 2020.

**7. \*Ordinance No. 3148-2020** - Accepting and Appropriating a Meals on Wheels COVID-19 Response Fund Grant Round Two from Meals on Wheels America for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

Introduced by the consent agenda and public hearing set for August 5, 2020.

**8. \*Ordinance No. 3149-2020** - Accepting and Appropriating a Grant from the Federal Aviation Administration and Authorizing the Purchase of Property Described as Lot 5, Spruce Creek Subdivision which is in the Airport's Runway Protection Zone. (Administration)

Introduced by the consent agenda and public hearing set for August 5, 2020.

**9. Discussion** – City Response to COVID-19. (Administration)

It was reported that the increase in cases locally was putting a stress on the City employees and Human Resources was seeing an uptick in personnel issues; no positive tests among staff to date. It was also reported that all furloughed employees would be back to work before the end of the month.

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging – No report; next meeting August 13.
2. Airport Commission – It was reported the commission met on July 9 and recommended the purchase of property in the Airport's Runway Protection Zone – the subject of Ordinance No. 3149-2020; next meeting August 13.

3. Harbor Commission – No report next meeting August 10.
4. Parks and Recreation Commission – No report; next meeting August 6.
5. Planning and Zoning Commission – It was reported the Commission approved a preliminary plat on July 8; next meeting July 22.
6. Beautification Committee – No report; next meeting September 8.
7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR – None.**

**J. ADMINISTRATION REPORTS**

1. City Manager - P. Ostrander reported on the following:
  - Update on CARES Act grants;
  - Ice would be available at the multi-purpose facility beginning in August;
  - Met with the CEO of Furie Operating Alaska and provided an update on their operations;
  - Early projections showed revenues would meet expenses in the Personal Use Fishery Fund;
  - Continued discussions with Alaska Department of Transportation regarding the bike path project;
  - The Corps of Engineers 221 Agreement has been fully executed; mapping out a path forward for execution of the agreement.
2. City Attorney – No report.
3. City Clerk – J. Heinz reported she received confirmation that the Kenai Peninsula Borough was sending out absentee-by-mail applications to all registered borough voters; would be looking at how to train the election workers; was still considering how to market alternative voting methods to voters.

**K. ADDITIONAL PUBLIC COMMENT**

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

Council Member Navarre noted he would be back in town soon.

Council Member Glendening expressed gratitude to Administration for their hard work with the public health emergency; also noted volunteer work completed by Salamatof Native Corporation.

Council Member Peterkin noted he expected to be absent from the August 5 meeting; also noted staff at the dock was doing a great job and managing the fishery well.

Council Member Pettey wished everyone a safe July.

Council Member Knackstedt thanked the Assistant to the City Manager for her work on the resolution supporting the City managing the bike path project; proud of being on the leading edge of getting the CARES Act funding out to the public.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS**

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** *At the July 1 Meeting, this item was Postponed to the 08/19/20 Council Meeting.*]
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For a Record Retention Length. (City Clerk) [**Clerk's Note:** *At the July 1 Meeting, this Item was Postponed to the 08/19/20 Council Meeting.*]

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:01 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of July 15, 2020.

---

Jamie Heinz, CMC  
City Clerk



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3133-2020 (SUBSTITUTE)**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE FUND, AUTHORIZING A BUDGET TRANSFER IN THE AIRPORT TERMINAL IMPROVEMENT CAPITAL PROJECT FUND AND APPROPRIATING FY2020 BUDGETED FUNDS IN THE AIRPORT MASTER PLAN CAPITAL PROJECT, AIRPORT SNOW REMOVAL EQUIPMENT AND AIRPORT OPERATIONS FACILITY IMPROVEMENT CAPITAL PROJECT FUNDS FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) IMPROVEMENT TO THE AIRPORT OPERATIONS FACILITY AND REPLACEMENT OF THE AIRPORT’S WIDE AREA MOWER.

WHEREAS, the FY2021 Airport Capital Improvement Plan included a \$131,000 project to replace the airport’s wide area mower and tractor as well as a \$80,000 project for Airport Operations DDC Controls Conversion; and,

WHEREAS, fund balance in the amount of \$2,515 remains in the Airport Master Plan Improvement Capital Project Fund from the completed Airport Master Plan Project that is available for re-appropriation; and,

WHEREAS, excess funds from the Terminal Rehabilitation Project in the estimated amount of \$XXX,XXX are available for redirection to fund these projects; and,

WHEREAS, the remaining \$XXX,XXX is available in the Airport Special Revenue Fund’s, Fund Balance; and,

WHEREAS, repairs to the Airport Operations Facility HVAC and replacement of the Airport’s wide area mower are important to operations at the Kenai Municipal Airport and in the best interest of the City and its citizens.

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

**Section 1.** That the following budget transfer is authorized:

Airport Terminal Improvement Capital Project Fund	
Decrease - Construction	\$ <u>XXX,XXX</u>
Increase – Transfer to Other Funds	\$ <u>XXX,XXX</u>

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

Airport Master Plan Capital Project Fund

Increase Estimated Revenues –  
Appropriation of Fund Balance \$ 2,515

Increase Appropriations –  
Transfer to Other Funds \$ 2,515

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

Airport Special Revenue Fund  
Increase Estimated Revenues –  
Appropriation of Fund Balance \$XXX,XXX

Increase Appropriations –  
Transfer to Other Funds \$XXX,XXX

**Section 4.** That the estimated revenues and appropriations be increased as follows:

Airport Operations Facility Improvement Capital Project Fund  
Increase Estimated Revenues –  
Transfer from Other Funds \$ 80,000

Increase Appropriations –  
HVAC Repairs Capital Project \$ 80,000

**Section 5.** That the estimated revenues and appropriations be increased as follows:

Airport Snow Removal Equipment Capital Project Fund  
Increase Estimated Revenues –  
Transfer from Other Funds \$131,000

Increase Appropriations –  
Wide Area Mower Replacement Capital Project \$131,000

**Section 6.** 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 7.** Effective Date: That this ordinance shall take effect on July 1, 2020, the effective date of the FY2021 City of Kenai Annual Budget.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 17 day of June, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

Ordinance No. 3133-2020 (SUBSTITUTE)  
Page 2 of 3

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

Introduced: June 3, 2020  
Enacted: \*\*\*\*\*, 2020  
Effective: \*\*\*\*\*, 2020



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** May 27, 2020

**SUBJECT:** **Recommended enactment of Ordinance 3133-2020.**

---

This memo recommends enactment of Ordinance 3133-2020, authorizing appropriations in the Airport Operations and Airport Snow Removal Equipment Capital Improvement Funds and a budget transfer in the Airport Terminal Improvements Capital Project Fund for the funding and establishment of FY2021 Airport Capital Improvement Plan Projects. Funding for these projects will be from residual funds from the completed Airport Master Plan Project and residual funds from the Terminal Rehabilitation Project. The projects include heating, ventilation and air conditioning system upgrades at the Airport Operations Facility, \$80,000 and replacement of the Airports wide area mower, \$131,000. Your support for enactment is respectfully requested.





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** July 8, 2020  
**SUBJECT:** **Ordinance 3133-2020 (Postponement)**

---

The purpose of this memo is to request postponement of this Ordinance. The Finance Department had hoped to utilize remaining funds from within the KMA Terminal Rehabilitation Project to fund FY2021 Capital Improvement Projects for the Airport.

The Terminal Project has not yet concluded due to late additions to the scope of work for the project, including replacement of the facility's existing boilers. The boilers are approximately 18 years old with a typical life span of 25 years; however, this past winter, staff has had repeated issues keeping them operational. As a result, the decision was made to seek their replacement.

The Public Works Director, in coordination with the Contractor, Blazy Construction, is near finalizing the cost for a final change order to the project. Once this change order is complete, remaining available funds within the project will be known. Remaining funds from the Terminal Rehab will be indicated within Section 1 of this Ordinance, with the balance needed to fund the remaining costs coming from the Special Revenue Fund, as will be indicated within Section 3.

We are requesting postponement of this Ordinance until the August 5, 2020 City Council meeting.

Your support is respectfully requested.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Scott Curtin, Public Works Director

**DATE:** July 30, 2020

**SUBJECT:** Requested Amendment to Substitute Ordinance No. 3133-2020

---

The purpose of this memo is to request amendments to Substitute Ordinance 3133-2020. Since introduction, the available funds from the Terminal Rehabilitation Project have been estimated and sufficient funds are available for the Airport's FY2021 capital projects and a transfer is no longer needed from the Airport Special Revenue fund. I request Council make the following amendment:

Amend Substitute Ordinance 3133-2020 by

- amending the title by deleting the words "INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE FUND"; and,
- replacing \$XXX,XXX in the third WHEREAS with \$248,150; and,
- deleting the fourth WHEREAS in its entirety; and,
- replace both \$XXX,XXX's to \$228,485 in Section 1; and,
- delete Section 3 in its entirety and renumber the subsequent sections accordingly; and,
- in the newly renumbered Section 6, replace "July 1, 2020, the effective date of the FY2021 City of Kenai Annual Budget" with August 5, 2020.

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: AUGUST 5, 2020**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	95,755.21
INTEGRITY JANITORIAL	JUNE PREMIUM	NON-DEPARTMENTAL	REPAIR & MAINTENANCE	1,389.00
PRECIOUS JANITORIAL	JUNE PREMIUM	AIRPORT	REPAIR & MAINTENANCE	4,495.00
PRECIOUS JANITORIAL	JUNE PREMIUM	POLICE	REPAIR & MAINTENANCE	978.00
PRECIOUS JANITORIAL	JUNE PREMIUM	LIBRARY	REPAIR & MAINTENANCE	2,354.00
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	88,764.35

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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**PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL  
COUNCIL MEETING OF: AUGUST 5, 2020**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPT.</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
NALCO COMPANY	FY21 CHEMICALS	WATER	OPERATING SUPPLIES	70,000.00
KENAI PENINSULA BOROUGH	FY21 SLUDGE DISPOSAL	WWTP	PROFESSIONAL SERVICES	42,000.00

**INCREASE OF EXISTING PURCHASE ORDER**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>P.O. # - DEPT.</b>	<b>REASON</b>	<b>AMOUNT</b>	<b>TOTAL PO AMT</b>
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# 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:** Scott Curtin, Public Works Director  
**DATE:** July 27, 2020  
**SUBJECT:** **Purchase Order Exceeding \$15,000**

---

The purpose of this memo is to request approval of a Purchase Order to Nalco Company LLC, which provides various proprietary chemicals for the Water Treatment Plant. The Purchase Order, as budgeted, is in the amount of \$70,000 and is a routine annual sole source purchase.

Additionally, a second Purchase Order, to the Kenai Peninsula Borough, is requested in the amount of \$42,000. This amount is also as budgeted and will cover the costs for disposing of sludge from the Waste Water Treatment Plant to the landfill. This amount is increased from last year's \$35,000 requested amount to account for cost increases at the landfill. This is also a routine annual sole source purchase.

Account information below:

010-465-2022 Nalco \$70,000

010-467-4531 Kenai Peninsula Borough \$42,000

Your support is respectfully requested.



## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** July 27, 2020  
**SUBJECT:** **Marijuana License Renewals**

---

The Alcoholic & Marijuana Control Office has sent notification that the following applicants have requested license renewal:

Applicant: Herban Extracts, LLC  
Owners: Lisa Coates  
D/B/A: Herban Extracts, LLC  
License Type: Marijuana Product Manufacturing Facility

Applicant: KRC LLC  
Owners: Clint Pickarsky  
D/B/A: Kenai River Cannabis  
License Type: Retail Marijuana Store

Applicant: Peninsula Botanicals, LLC  
Owners: Kathryn Staskon  
D/B/A: Peninsula Botanicals  
License Type: Limited Marijuana Cultivation Facility

Applicant: Cook Inlet Cannabis Co.  
Owners: Ryan Tunseth  
D/B/A: East Rip  
License Type: Retail Marijuana Store

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicants have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of a Marijuana Product Manufacturing Facility, two Retail Marijuana Stores, and a Limited Marijuana Cultivation Facility will be forwarded to the Alcoholic & Marijuana Control Office and the applicant.

Your consideration is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

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

July 2, 2020

**City of Kenai**

Attn: Jamie Heinz

VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk

Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)  
[jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
[micheleturner@kpb.us](mailto:micheleturner@kpb.us)  
[ssness@kpb.us](mailto:ssness@kpb.us)  
[dhenry@kpb.us](mailto:dhenry@kpb.us)

<b>License Number:</b>	14432
<b>License Type:</b>	Marijuana Product Manufacturing Facility
<b>Licensee:</b>	Herban Extracts, LLC
<b>Doing Business As:</b>	HERBAN EXTRACTS, LLC
<b>Physical Address:</b>	14927 Kenai Spur Highway Kenai, AK 99611
<b>Designated Licensee:</b>	Lisa Coates
<b>Phone Number:</b>	907-252-4755
<b>Email Address:</b>	<a href="mailto:lisa@ljoutfitters.com">lisa@ljoutfitters.com</a>

**License Renewal Application**       **Endorsement Renewal Application**

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

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

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

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

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive, somewhat stylized font.

Glen Klinkhart, Interim Director



- Submit by Jamie Heinz 7/9/2020 2:24:39 PM (Form Submission)
- Approve by Cindy Herr 7/9/2020 2:52:50 PM (Legal Asst Review)

  - *No outstanding citations or restitution owing to the City*
  - The task was assigned to Cindy Herr. The due date is: July 10, 2020 5:00 PM 7/9/2020 2:24 PM
- Approve by Jeremy Hamilton 7/16/2020 4:46:50 PM (Fire Marshall Review)

  - *Inspected 7-16-20*
  - The task was assigned to Jeremy Hamilton 7/9/2020 2:24 PM
- Approve by Michael Wesson 7/9/2020 3:04:09 PM (Building Official Review)

  - The task was assigned to Michael Wesson 7/9/2020 2:24 PM
- Approve by Jamie Heinz 7/9/2020 4:20:27 PM (Police Department Review)

  - *Approve per D. Ross*
  - Jamie Heinz assigned the task to Jamie Heinz 7/9/2020 4:20 PM
  - The task was assigned to Jamie Heinz, Jacquelyn LaPlante 7/9/2020 2:24 PM
- Approve by Tina Williamson 7/9/2020 2:48:19 PM (Finance Asst Review)

  - *No outstanding bills*
  - The task was assigned to Tina Williamson. The due date is: July 10, 2020 5:00 PM 7/9/2020 2:24 PM
- Approve by Terry Eubank 7/9/2020 3:01:44 PM (Finance Review)

  - The task was assigned to Terry Eubank 7/9/2020 2:52 PM
- Approve by Scott Bloom 7/20/2020 10:48:23 AM (Legal Review)

  - The task was assigned to Scott Bloom 7/9/2020 2:52 PM
- Approve by Elizabeth Appleby 7/9/2020 3:13:22 PM (P&Z Department Review)

  - The task was assigned to Elizabeth Appleby 7/9/2020 2:52 PM



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

## What is this form?

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

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

### Section 1 – Establishment Information

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

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

### Section 2 – Individual Information

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

Name:	Buddy Crowder
Title:	Manager, member

### Section 3 – Violations & Charges

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

Initials

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

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

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

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

Initials

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



Section 4 - Certifications

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

Initials

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

BC

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

BC

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

BC

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

BC

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

BC

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

BC

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

BC

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

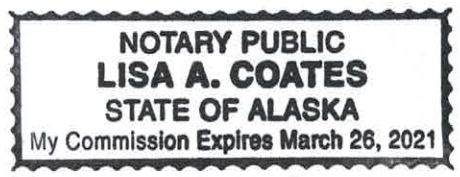
Buddy Crowder
Signature of licensee

Lisa Coates
Notary Public in and for the State of Alaska

Buddy Crowder
Printed name of licensee

My commission expires: 03-26-2021

Subscribed and sworn to before me this 18 day of May, 2020.





Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

### What is this form?

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

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

## Section 1 – Establishment Information

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

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

## Section 2 – Individual Information

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

Name:	Lisa Coates				
Title:	Manager, member				

## Section 3 – Violations & Charges

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

Initials

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

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

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

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

Initials

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



Section 4 - Certifications

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

Initials

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

LC

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

LC

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

LC

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

LC

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

LC

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

LC

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

LC

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Lisa Coates

Signature of licensee

Tracy L. Collins

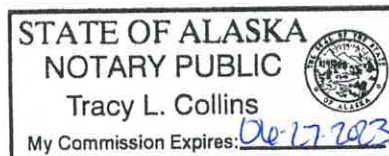
Notary Public in and for the State of Alaska

Lisa Coates

Printed name of licensee

My commission expires: 06-17-2023

Subscribed and sworn to before me this 18 day of May, 2020.





# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

July 22, 2020

**Sent via email: [jheinz@kenai.city](mailto:jheinz@kenai.city)**

City of Kenai  
Kenai City Hall

RE: Renewal Application for Marijuana Product Manufacturing Facility

Business Name : Herban Extracts, LLC  
License Location : Kenai/14927 Kenai Spur Highway, Kenai, AK 99611  
License No. : 14432

Dear Ms. Heinz,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, MMC  
Borough Clerk

JB/ts

Encl.

cc: [buddy@907maryjane.com](mailto:buddy@907maryjane.com)



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

July 1, 2020

**City of Kenai**

Attn: Jamie Heinz

VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk

Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)

[jblankenship@kpb.us](mailto:jblankenship@kpb.us)

[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

[ssness@kpb.us](mailto:ssness@kpb.us)

[dhenry@kpb.us](mailto:dhenry@kpb.us)

<b>License Number:</b>	17808
<b>License Type:</b>	Retail Marijuana Store
<b>Licensee:</b>	KRC LLC
<b>Doing Business As:</b>	KENAI RIVER CANNABIS
<b>Physical Address:</b>	14429 Kenai Spur Highway Kenai, AK 99611
<b>Designated Licensee:</b>	Clint Pickarsky
<b>Phone Number:</b>	907-953-1985
<b>Email Address:</b>	kenairivercannabis@yahoo.com

**License Renewal Application**

**Endorsement Renewal Application**

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

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

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

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

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke extending to the right.

Glen Klinkhart, Interim Director



Submit

by Jamie Heinz 7/9/2020 2:53:49 PM (Form Submission)

Approve

by Jeremy Hamilton 7/13/2020 5:10:05 PM (Fire Marshall Review)

■ *Fire inspection on 7-13-20*

- The task was assigned to Jeremy Hamilton 7/9/2020 2:53 PM

Approve

by Michael Wesson 7/9/2020 3:04:58 PM (Building Official Review)

- The task was assigned to Michael Wesson 7/9/2020 2:53 PM

Approve

by Jamie Heinz 7/9/2020 4:21:19 PM (Police Department Review)

■ *Approve per D. Ross*

- Jamie Heinz assigned the task to Jamie Heinz 7/9/2020 4:21 PM
- The task was assigned to Jamie Heinz, Jacquelyn LaPlante 7/9/2020 2:53 PM

Approve

by Tina Williamson 7/9/2020 3:00:22 PM (Finance Asst Review)

■ *Water/Sewer current*

- The task was assigned to Tina Williamson. The due date is: July 10, 2020 5:00 PM  
7/9/2020 2:53 PM

Approve

by Cindy Herr 7/9/2020 3:18:09 PM (Legal Asst Review)

■ *No outstanding citations or restitution owed*

- The task was assigned to Cindy Herr. The due date is: July 10, 2020 5:00 PM 7/9/2020 2:53 PM

Approve

by Terry Eubank 7/9/2020 3:21:05 PM (Finance Review)

- The task was assigned to Terry Eubank 7/9/2020 3:18 PM

Approve

by Scott Bloom 7/20/2020 10:47:55 AM (Legal Review)

- The task was assigned to Scott Bloom 7/9/2020 3:18 PM

Approve

by Elizabeth Appleby 7/9/2020 3:27:49 PM (P&amp;Z Department Review)

- The task was assigned to Elizabeth Appleby 7/9/2020 3:18 PM



## Alaska Marijuana Control Board Form MJ-20: Renewal Application Certifications

### What is this form?

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

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

### Section 1 – Establishment Information

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

Licensee:	KRC LLC	License Number:	17808		
License Type:	Retail Marijuana Store				
Doing Business As:	Kenai River Cannabis				
Premises Address:	14429 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

### Section 2 – Individual Information

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

Name:	Clint Pickarsky
Title:	Member/Manager

### Section 3 – Violations & Charges

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

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

Initials

CP

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

CP

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

CP

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

Initials

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



# Form MJ-20: Renewal Application Certifications

## Section 4 – Certifications

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

Initials

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

CP

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

CP

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

CP

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

CP

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

CP

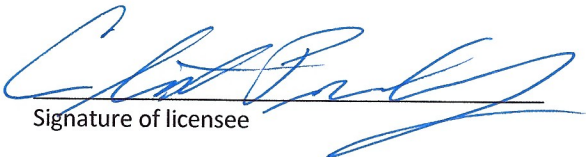
I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

CP

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

CP

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

  
Signature of licensee

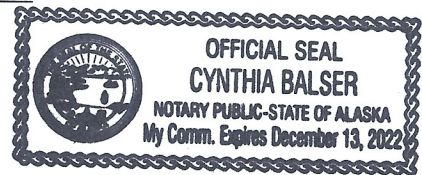
  
Notary Public in and for the State of Alaska

Clint Pickarsky

Printed name of licensee

My commission expires: 12/13/22

Subscribed and sworn to before me this 4th day of June, 2020.





# Office of the Borough Clerk

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

Johni Blankenship, MMC  
Borough Clerk

July 22, 2020

**Sent via email: [jheinz@kenai.city](mailto:jheinz@kenai.city)**

City of Kenai  
Kenai City Hall

RE: Renewal Application for Retail Marijuana Store

Business Name : Kenai River Cannabis  
License Location : Kenai/14429 Kenai Spur Hwy  
License No. : 17808

Dear Ms. Heinz,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, MMC  
Borough Clerk

JB/ts

Encl.

cc: [kenairivercannabis@yahoo.com](mailto:kenairivercannabis@yahoo.com)



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

June 30, 2020

City of Kenai

Attn: Jamie Heinz VIA Email: jheinz@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk Via Email: tshassetz@kpb.us jblankenship@kpb.us micheleturner@kpb.us sness@kpb.us dhenry@kpb.us

Table with 2 columns: Field Name and Value. Fields include License Number (12303), License Type (Limited Marijuana Cultivation Facility), Licensee (Peninsula Botanicals, LLC), Doing Business As (PENINSULA BOTANICALS), Physical Address (1030 angler drive, Unit B, kenai, AK 99611), Designated Licensee (kathryn staskon), Phone Number (907-420-4176), and Email Address (katestaskon@gmail.com).

[X] License Renewal Application [ ] Endorsement Renewal Application

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

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

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

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

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is stylized and cursive.

Glen Klinkhart, Interim Director

- Submit** by Jamie Heinz 7/9/2020 3:32:51 PM (Form Submission)
- Approve** by Jeremy Hamilton 7/16/2020 4:46:35 PM (Fire Marshall Review)  
■ *Inspection completed 7-15-20*  
• The task was assigned to Jeremy Hamilton 7/9/2020 3:32 PM
- Approve** by Michael Wesson 7/9/2020 4:11:52 PM (Building Official Review)  
• The task was assigned to Michael Wesson 7/9/2020 3:32 PM
- Approve** by Jamie Heinz 7/9/2020 4:24:22 PM (Police Department Review)  
■ *Approved per D. Ross*  
• Jamie Heinz assigned the task to Jamie Heinz 7/9/2020 4:24 PM  
• The task was assigned to Jamie Heinz, Jacquelyn LaPlante 7/9/2020 3:32 PM
- Approve** by Tina Williamson 7/9/2020 3:36:00 PM (Finance Asst Review)  
• The task was assigned to Tina Williamson. The due date is: July 10, 2020 5:00 PM  
7/9/2020 3:32 PM
- Approve** by Cindy Herr 7/9/2020 3:53:16 PM (Legal Asst Review)  
■ *No outstanding citations or restitution owed.*  
• The task was assigned to Cindy Herr. The due date is: July 10, 2020 5:00 PM 7/9/2020 3:32 PM
- Approve** by Terry Eubank 7/28/2020 12:08:08 PM (Finance Review)  
• Jacquelyn LaPlante changed the task's due date to July 22, 2020 1:00 PM 7/21/2020 4:02 PM  
• The task was assigned to Terry Eubank 7/9/2020 3:53 PM
- Approve** by Scott Bloom 7/20/2020 10:46:11 AM (Legal Review)  
• The task was assigned to Scott Bloom 7/9/2020 3:53 PM
- Approve** by Elizabeth Appleby 7/9/2020 4:21:01 PM (P&Z Department Review)  
• The task was assigned to Elizabeth Appleby 7/9/2020 3:53 PM



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

### What is this form?

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

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

## Section 1 – Establishment Information

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

Licensee:	Peninsula Botanicals LLC	License Number:	12303		
License Type:	Limited Cultivation				
Doing Business As:	Peninsula Botanicals				
Premises Address:	1030 Angler Dr unit B				
City:	Kenai	State:	Alaska	ZIP:	99611

## Section 2 – Individual Information

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

Name:	Kathryn Ann Staskon				
Title:	Chief Executive Officer				

## Section 3 – Violations & Charges

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

Initials

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

KS

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

KS

I certify that a notice of violation has not been issued to this license between July 1, 2019 and June 30, 2020.

KS

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

Initials

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





## Section 4 – Certifications

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

Initials

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

KS

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

KS

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

KS

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

KS

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

KS

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

KS

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

KS

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Kathryn Stas  
Signature of licensee

Molly Green  
Notary Public in and for the State of Alaska

Kathryn Stas Ken  
Printed name of licensee

My commission expires: 9-29-2020

Subscribed and sworn to before me this 1st day of June, 2020





THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

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

July 8, 2020

City of Kenai

Attn: Jamie Heinz VIA Email: jheinz@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk Via Email: tshassetz@kpb.us jblankenship@kpb.us micheleturner@kpb.us sness@kpb.us dhenry@kpb.us

Table with 2 columns: Field Name and Value. Fields include License Number (13382), License Type (Retail Marijuana Store), Licensee (Cook Inlet Cannabis Co.), Doing Business As (EAST RIP), Physical Address (10767 KENAI SPUR HWY SUITE D KENAI, AK 99611), Designated Licensee (Ryan Tunseth), Phone Number (907-398-1233), and Email Address (ryan@east-rip.com).

[X] License Renewal Application [ ] Endorsement Renewal Application

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

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

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

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

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive, somewhat stylized font.

Glen Klinkhart, Interim Director

Submit

by Jamie Heinz 7/9/2020 3:36:39 PM (Form Submission)

Approve

by Jeremy Hamilton 7/13/2020 4:01:22 PM (Fire Marshall Review)

■ *Inspection on 7-13-20.*

- The task was assigned to Jeremy Hamilton 7/9/2020 3:36 PM

Approve

by Michael Wesson 7/9/2020 4:12:03 PM (Building Official Review)

- The task was assigned to Michael Wesson 7/9/2020 3:36 PM

Approve

by Jamie Heinz 7/9/2020 4:32:42 PM (Police Department Review)

■ *Approve per D. Ross*

- Jamie Heinz assigned the task to Jamie Heinz 7/9/2020 4:32 PM
- The task was assigned to Jamie Heinz, Jacquelyn LaPlante 7/9/2020 3:36 PM

Approve

by Tina Williamson 7/21/2020 3:02:57 PM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: July 10, 2020 5:00 PM  
7/9/2020 3:36 PM

Approve

by Cindy Herr 7/9/2020 3:53:58 PM (Legal Asst Review)

■ *No outstanding citations or restitution owed.*

- The task was assigned to Cindy Herr. The due date is: July 10, 2020 5:00 PM 7/9/2020 3:36 PM

Approve

by Terry Eubank 7/21/2020 3:17:52 PM (Finance Review)

- The task was assigned to Terry Eubank 7/21/2020 3:03 PM

Approve

by Scott Bloom 7/21/2020 3:06:12 PM (Legal Review)

- The task was assigned to Scott Bloom 7/21/2020 3:03 PM

Approve

by Elizabeth Appleby 7/21/2020 3:05:16 PM (P&amp;Z Department Review)

- The task was assigned to Elizabeth Appleby 7/21/2020 3:03 PM



**Alaska Marijuana Control Board**  
**Form MJ-20: Renewal Application Certifications**

**What is this form?**

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

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

**Section 1 – Establishment Information**

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

Licensee:	Cook Inlet Cannabis Co.	License Number:	13382		
License Type:	Retail Marijuana Store				
Doing Business As:	East Rip				
Premises Address:	10767 Kenai Spur Hwy, Suite D				
City:	Kenai	State:	Alaska	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Ryan Tunseth
Title:	Director, President, Secretary, Shareholder, Treasurer

**Section 3 – Violations & Charges**

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

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

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

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

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

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



# Form MJ-20: Renewal Application Certifications

## Section 4 – Certifications

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

Initials

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

*RT*

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

*RT*

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

*RT*

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

*RT*

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

*RT*

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

*RT*

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

*RT*

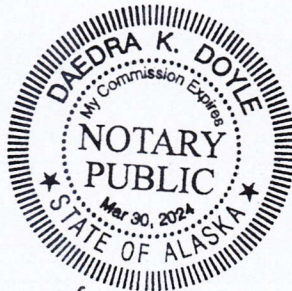
As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

*Ryan Tunseth*

Signature of licensee

Ryan Tunseth

Printed name of licensee



*Daedra K. Doyle*  
Notary Public in and for the State of Alaska

My commission expires: 3/30/2024

Subscribed and sworn to before me this 10 day of June, 2020.



Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3150-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, WAIVING KENAI MUNICIPAL CODE 21.10.130- LEASE EXECUTION AND APPROVING A LEASE EXECUTION EXTENSION TO MAY 31, 2021 TO SCHILLING RENTALS, LLC FOR LOT 5A, BLOCK 1, FBO SUBDIVISION 2018 REPLAT.

WHEREAS, the Kenai City Council approved of a 45-year lease application from Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat to be used as a hangar for rotor and fixed-wing aircraft and crew quarters with an expected tenant to provide emergency medical flights; and,

WHEREAS, a 60-day extension allowed by Kenai Municipal Code 21.10.130 was granted by the City Manager with good cause of the COVID-19 public health emergency for the execution of a lease agreement; and,

WHEREAS, Schilling Rentals, LLC has provided a letter to the City requesting a lease execution extension greater than the 60 days allowed by Kenai Municipal Code 21.10.130 due to the unforeseen circumstances of the COVID-19 public health emergency and its impact on their business plans; and,

WHEREAS, Schilling Rentals, LLC anticipates a spring 2021 start for construction of the hangar and facility detailed in the lease application; and,

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

WHEREAS, the City of Kenai Airport Commission recommended approval of this extension during its meeting on July 9, 2020.

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

**Section 1.** That KMC 21.10.130 is hereby waived due to the COVID-19 public health emergency for the exclusive purpose of granting a lease execution extension to Schilling Rentals, LLC to May 31, 2021, for Lot 5A, Block 1, FBO Subdivision 2018 Replat.

**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.

Ordinance No. 3150-2020  
Page 2 of 2

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 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: September 18, 2020





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** July 28, 2020

**SUBJECT:** **Ordinance 3150-2020 - Lease Execution Extension to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision**

---

City Council approved of a 45-year lease application from Schilling Rentals, LLC earlier this year for Lot 5A, Block 1, FBO Subdivision 2018 Replat at 413 North Willow Street to be used as a hangar for rotor and fixed-wing aircraft and crew quarters. The application detailed that Guardian Flight, LLC was expected to utilize the premises to support emergency medical flights. Kenai Municipal Code 21.10.130 requires a lease be executed within 60 days of the applicant being mailed a lease form for signature. If the applicant shows good cause, the City Manager may grant an extension not exceeding 60 days for the applicant to execute and return a signed lease. The City Manager found good cause due to the COVID-19 public health emergency to grant a 60-day extension to the execution of the lease for Lot 5A. This extended the deadline for the execution and signature of the lease to September 20, 2020.

Schilling Rentals has requested a greater extension for signing the lease than the 60 days allowed by Kenai Municipal Code due to the unforeseen circumstances created by the COVID-19 public health emergency. If City Council approves, Ordinance 3150-2020 would extend the date for Schilling Rentals, LLC to execute the lease and sign the lease agreement with the City to May 31, 2021.

The Airport Commission recommended approval of the lease execution extension by City Council during their meeting on July 9, 2020.

Thank you for your consideration.

Attachment:

Letter dated July 1, 2020 from Schilling Rentals, LLC requesting a lease execution extension from July 20, 2020 to May 31, 2021

Schilling Rentals LLC  
PO Box 3426  
Kenai, AK 99611  
907.283.7556 FAX: 907.283.7555

July 1, 2020

City of Kenai  
Attn: Paul Ostrander, City Manager  
210 Fidalgo St  
Kenai, AK 99611

***Re: Lot 5A Block 1, FBO Subdivision***

Dear Mr. Ostrander:

We have received notification from the City of Kenai that the subject property lease, approved March 18, 2020, must be signed and executed on or before July 20, 2020.

Schilling Rentals, LLC (SR) will be pleased to complete the lease and begin construction of a hangar and facility for a new company based at the Kenai Airport that will enhance our community's quality of life.

Due to the global Covid-19 pandemic, the market is dramatically different than when original plans were announced in March. Subsequently, we seek additional time to complete the necessary steps required prior to lease signing. We anticipate a Spring of 2021 groundbreaking ceremony and, as such, seek a new deadline of May 31, 2021. Please note: if changes occur that will allow an earlier start date, there will be no hesitation from SR to immediately sign and began construction of this worthy project

Thank you for your consideration.

Respectfully,



Michael Schilling  
Managing Member



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3151-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE TERMINAL IMPROVEMENTS CAPITAL FUND, AND AUTHORIZING AN INCREASE TO THE CONSTRUCTION PURCHASE ORDER TO BLAZY CONSTRUCTION, INC.

WHEREAS, the City of Kenai executed a Construction Agreement with Blazy Construction, Inc. on October 1, 2018 for the Terminal Rehabilitation Project in the amount of \$10,985,994; and,

WHEREAS, Council, through enactment of Ordinance 3037-2018 authorized the City Manager to issue a Purchase Order in the amount of \$11,485,994 for the Contract amount of \$10,985,994 including \$500,000 of contingency funding; and,

WHEREAS, Council, through enactment of Ordinances 3060-2019, 3080-2019, 3097-2019 and 3111-2020 increased estimated revenues and appropriations by \$1,012,858.30 to provide for continued project contingency funds and increased the purchase order amount to \$12,498,852.30; and,

WHEREAS, to date the City has executed nine change orders totaling \$1,195,962.41; and,

WHEREAS, a pending Change Order #10 in the amount of \$365,950.36 would be funded through this Ordinance, and bring the total Change Orders to date to \$1,561,912.77; and,

WHEREAS, within Change Orders 1-10, \$82,782.43 has been determined to be ineligible for FAA reimbursement; and

WHEREAS, the Federal Aviation Administration grant eligible portion of Change Orders 1-10 has been determined to be \$1,479,130.34 with the FAA share as \$1,310,065.74 and the City of Kenai's share as \$169,064.60; and,

WHEREAS, the total of all Change Orders to date of \$1,561,912.77 will be funded by \$1,310,065.74 from the FAA and \$251,847.03 from the City of Kenai; and

WHEREAS, Administration is requesting appropriation of the additional eligible federal share and an increase to the authorized purchase order amount to Blazy Construction, Inc. With the intention that this is the final change order and no additional contingency will be needed; and,

WHEREAS, once complete, the authorized purchase order and contract amount to Blazy Construction, Inc. will be \$12,547,906.77.

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

**Section 1.** The City Manager is authorized to accept grant funding from the Federal Aviation Administration in the amount of \$297,207.44 for the grant eligible portions of Change Orders 9 & 10 to Blazy Construction, Inc.

**Section 2.** The City Manager is authorized to increase Purchase Order No. 116510 to Blazy Construction, Inc. by \$49,054.47.

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

Terminal Improvement Capital Project Fund:

Increase Estimated Revenues –  
FAA Grant

\$297,207.44

Increase Appropriations:  
Construction

\$297,207.44

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** July 30, 2020  
**SUBJECT:** Ordinance No. 3151-2020

---

The Kenai Municipal Airport Terminal Rehabilitation Project is finally nearing its completion. The project reached Substantial Completion on March 27, 2020 and was completed under budget. For the last four months staff, the design team, and contractor have been coordinating to complete additional items that were not in the original scope of work for the project. Items like replacement of the facilities existing main boilers, and terminal wide furnishings. Both of which were left out of the original scope due to budget concerns.

The Federal Aviation Administration is allowing the additional items to be completed under the same grant conditions as the original work, being able to complete these items now is a great cost advantage to the City.

To summarize the project our Original Contract with Blazy Construction was for \$10,985,994. Throughout the course of the almost two year project we have processed ten change orders totaling \$1,561,912.77 which equates to an approximately 14.2% increase.

Change Order costs associated with asbestos abatement total \$551,235.54, approximately 35.3% of all change order costs. The costs associated with the replacement boilers and terminal furniture total \$323,548.26, approximately 20.7% of all change order costs. The remaining \$687,128.97, approximately 44% of all change orders were largely directed to correcting other unforeseen conditions. Bringing discovered issues up to code, as well as coordinating to keep the various businesses operational during the multiple phases of the project.

All in all this project was very successful for the City. I would like to express our appreciation to Wince Corthell Bryson the Design Engineer and their entire team as well as Blazy Construction and all of their subcontractors, without their efforts we would not have the terminal we have today.

Council's support of this Ordinance is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3152-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A PROJECT READY MINI GRANT FROM THE ALASKA STATE LIBRARY FOR IMPLEMENTING THE KNOW YOUR NEIGHBOR: KINDNESS KITS PROJECT AT THE KENAI COMMUNITY LIBRARY.

WHEREAS, the Kenai Community Library has been awarded funds in the amount of up to \$1,000 from the Alaska State Library for the implementation of the Know Your Neighbor: Kindness Kits project; and,

WHEREAS, the purpose of this project is to diversify the Library’s collection and to offer young patrons and their parents and caregivers resources that teach the importance of diversity, empathy, kindness and conflict resolution; and,

WHEREAS, it is in the best interest of the City to appropriate these funds for the purpose intended.

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

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$1,000 from the Alaska State Library, execute any necessary grant agreements, and to expend the grant in accordance with grant provisions and this Ordinance.

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

General Fund:

Increase Estimated Revenues –	
State Grants - Library	<u>\$1,000</u>
 Increase Appropriations –	
Library -- Books	\$666
Library – Operating, Repair & Maintenance Supplies	\$150
Library – Advertising	<u>\$184</u>
	<u>\$1,000</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: *J. Lub*

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020



# MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Katja Wolfe, Library Director

**DATE:** July 23, 2020

**SUBJECT:** **Ordinance No. 3152-2020 – Accepting and Appropriating A Project Ready Mini Grant from the Alaska State Library**

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The Alaska State Library has awarded the Kenai Community Library funds in the amount of up to \$1,000 to implement a project called Know your Neighbor: Kindness Kits. The purpose of this project is to diversify our collection and offer our young patrons resources that teach the importance of diversity, empathy, kindness, and conflict resolution.

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





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3153-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, APPROPRIATING EXCESS FUNDS RECEIVED FROM THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS.

WHEREAS, On July 7, 2020, the City completed the transaction to issue General Obligation Refunding Bonds to refund the City’s outstanding Library Expansion Bonds in the amount of \$1,194,604.46 including outstanding principle and accrued interest; and,

WHEREAS, issuance of these bonds resulted in a present value savings of \$122,192.29 to the City; and,

WHEREAS, the actual amount of proceeds from the issuance was \$1,213,482.20; and,

WHEREAS, the breakdown on use of the proceeds is as follows:

Outstanding Principle and Accrued Interest	\$1,194,604.46
Alaska Municipal Bond Bank Cost of Issuance	2,516.02
City of Kenai Bond Counsel Cost	10,077.35
Underwriting Discount	3,349.19
Additional Proceeds	<u>2,935.18</u>
	<u>\$1,213,482.20</u>

;and,

WHEREAS; appropriating the funds in excess of the outstanding principle and accrued interest for the payment of bond issuance costs and to reduce the debt service payments in FY2021, is in the best interest of the City.

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

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

Debt Service Fund:

Increase Estimated Revenues –	
Proceeds from issuance of Debt	<u>\$18,877.74</u>

Increase Appropriations –	
Professional Services	\$15,942.56
Miscellaneous	<u>2,935.18</u>
	<u>\$18,877.74</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** July 28, 2020

**SUBJECT:** **Ordinance No. 3153-2020 – Appropriating Excess Funds Received from the Issuance of General Obligation Refunding Bonds**

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The purpose of this memo is to recommend the enactment of Ordinance No. 3153-2020 that will appropriate excess proceeds from the issuance of general obligation refunding bonds to pay for bond issuance costs with remaining funds to reduce the City's FY2021 debt service on the bonds.

On July 7, 2020, the City closed on general obligation refunding bonds that were issued to refund the outstanding Library Expansion Bonds the City issued in 2010. Proceeds from the newly issued bonds totaled \$1,213,482.20. Outstanding principle and accrued interest on the original bonds totaled \$1,194,604.46, providing \$18,877,74 in proceeds to pay for bond issuance costs, which totaled \$15,942.56 and \$2,935.18 to reduce the City's FY2021 debt payment on the outstanding bonds.

Your support is respectfully requested.



Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3154-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE NATIONAL MARINE FISHERIES SERVICE PASSED THROUGH THE PACIFIC STATES MARINE FISHERIES COMMISSION, ACCEPTING AND APPROPRIATING ADDITIONAL INSURANCE PROCEEDS, AND AWARDING A CONTRACT FOR REPAIR TO THE KENAI CITY DOCK FOR DAMAGE CAUSED BY EARTHQUAKES IN 2016 AND 2018 AND INSTALLATION OF A CATHODIC PROTECTION SYSTEM TO PREVENT CORROSION.

WHEREAS, the City of Kenai released an Invitation to Bid for the 2020 Kenai City Dock Repairs project on July 10, 2020, with Bids due on July 27, 2020; and,

WHEREAS, this Bid release was the City's 2<sup>nd</sup> attempt to procure these services this year as an Invitation to Bid released in May failed to render any bid responses; and,

WHEREAS, on July 27, 2020, Endries Company was the sole respondent to the latest Invitation to Bid with a Base Bid amount of \$215,875 for the damages associated with Earthquakes, and \$82,490 for Additive Alternate #1 which covered work associated with Cathodic Protection Repairs, for a total combined Bid of \$298,365; and,

WHEREAS, the additional funding for this project requested below is being provided by insurance restitution as well as a Federal Grant through the Pacific States Marine Fisheries Commission for the Gulf of Alaska Pink Salmon Disaster Relief; and,

WHEREAS, repairs to the dock are long overdue, and completion of this work will allow the dock to remain in service as a useful asset to the City; and,

WHEREAS, Administration supports this project, and completion is in the best interest of the City.

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

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$38,684.54 from the National Marine Fisheries Service passed through the Pacific States Marine Fisheries Commission, execute the needed grant agreements, and expend the funds in accordance with grant conditions and this ordinance.

**Section 2.** That the City Manager is authorized to accept insurance proceeds in the amount of \$88,441.08 to complete repairs to the Kenai City Dock for damage caused by earthquakes in 2016 and 2018.

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

Kenai City Dock Improvement Capital Project Fund:

Increase Estimated Revenues –	
Restitution	\$ 88,441.08
Federal Grants	<u>38,684.54</u>
	<u>\$127,125.62</u>
 Increase Appropriations –	
Construction	<u>\$127,125.62</u>

**Section 4.** That a construction contract be awarded to Endries Company in the amount of \$298,365 and authorizing a purchase order in the amount of \$313,365, which includes a \$15,000 project contingency, for the project to complete repairs caused by 2016 and 2018 earthquakes and installation of a new cathodic protection system at the Kenai City Dock.

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Scott Curtin, Public Works Director

**DATE:** July 30, 2020

**SUBJECT:** **Ordinance No. 3154-2020**

---

This memo is to request support and recommend approval of Ordinance 3154-2020 to complete the much needed repairs at the City Dock. The facility has incurred varying damages from earthquakes in 2016 and 2018 as well as active corrosion on the structural pilings that support the dock.

This project was previously released for bids twice, unsuccessfully, primarily due to a lack of interest and budget. On July 10, 2020 the project was released for a third time with Bids due on July 27, 2020. The City received a single bid, slightly above budget, however with assistance in the form of a grant from the National Marine Fisheries Service as well as proceeds from our insurance carrier, the project is within reach.

Council's support will allow this project to be completed, ensuring the dock will remain a useful asset to the City for years to come. Council's support is respectfully requested.

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JULY 22, 2020 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

Commission Chair Twait called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance**

Commission Chair Twait led those assembled in the Pledge of the Allegiance.

**2. Roll Call**

Commissioners present: J. Twait, R. Springer, T. McIntyre, V. Askin

Commissioners absent: D. Fikes, G. Greenberg, J. Halstead

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson, Deputy Clerk J. LaPlante, Council Liaison H. Knackstedt

A quorum was present.

**3. Agenda Approval**

**MOTION:**

Commissioner Askin **MOVED** to approve the agenda as written and Commissioner McIntyre **SECONDED** the motion. There were no objections; **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Springer **SECONDED** the motion. There were no objections; **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. \*July 8, 2020

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT – None.**

**D. UNSCHEDULED PUBLIC COMMENT – None.**

**E. CONSIDERATION OF PLATS**

- 1. **Resolution PZ2020-19** - Preliminary Subdivision Plat of Oberts Pillars Subdivision Donaghe Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Thomas Donaghe, 3305 Togiak St., Unit A, Kenai, AK 99611

The City Planner reviewed the staff report provided in the packet and noted the plat reflected the removal of the property line between two lots, allowing the property owner to construct the detached garage because it would be on the same parcel as the primary residence. Approval was recommended with the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations; and
- Insert an additional label for the “10’ utility easement” to add clarity to the plat.

**MOTION:**

Commissioner Askin **MOVED** to recommend approval of Resolution No. PZ2020-19 with staff recommendations and Commissioner McIntyre **SECONDED** the motion.

Commissioner McIntyre declared a potential conflict of interest with his home being in this neighborhood; Chair Twait determined there was no conflict.

**VOTE:**

YEA: McIntyre, Springer, Askin, Twait  
NAY:

**MOTION PASSED UNANIMOUSLY.**

**F. PUBLIC HEARINGS – None.**

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS – None.**

**I. PENDING ITEMS – None.**

**J. REPORTS**

- 1. **City Council** – Council Member Knackstedt reported on the actions from the July 15



City Council meeting.

2. **Borough Planning** – No report.

3. **Administration** – City Planner Appleby reported on the following:

- She attended the Borough Plat Committee meeting on July 13, three plats within the City of Kenai went before the Committee; two were approved and the Beaver Loop Acres Addition plat would be coming back to the Planning and Zoning Commission for further review;
- The department’s Mid-Month report would be included in the next Council packet;
- Dipnet is in full swing and open until July 31; and
- She is working on Draft Land Management Plan, hoping it would go before the public soon.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION** – August 12, 2020

N. **COMMISSION COMMENTS & QUESTIONS** – None.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:25 p.m.

Minutes prepared and submitted by:

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Jacquelyn LaPlante  
Deputy City Clerk

## PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW

COUNCIL MEETING OF: AUGUST 5, 2020

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
HDL ENGINEERING	2020 MSGP MODIFICATIONS TO SWPP	AIRPORT	PROFESSIONAL SERVICES	13,148.00
UNITED RENTALS	BOOM LIFT RENTAL	MULTI-PURPOSE FAC.	CONSTRUCTION	3,000.00
COOL AIR MECHANICAL	HEAT EXCHANGER REPAIR	BUILDINGS	REPAIR & MAINTENANCE	11,189.15
ESRI	ARCGIS SOFTWARE MAINTENANCE	VARIOUS	SOFTWARE	3,700.00
SGS ENVIRONMENTAL	LAB TESTING SERVICES	WWTP	PROFESSIONAL SERVICES	10,000.00
AIRPORT EQUIPMENT RENTALS	EXCAVATOR RENTAL	STREETS	RENTALS	4,600.00
THOMSON REUTERS	FY21 ONLINE RESEARCH TOOL	LEGAL	BOOKS	5,208.21
TAURIAINEN ENGINEERING/TESTING	FY21 WATER TESTING	WATER	PROFESSIONAL SERVICES	6,500.00
VERIPIC	FY21 ANNUAL MAINTENANCE DUES	POLICE	SOFTWARE	3,303.30
ALASKA MUNICIPAL LEAGUE	FY21 MEMBERSHIP DUES	LEGISLATIVE	DUES	7,151.00
MUNICIPAL CODE CORP.	FY21 SUBSCRIPTION RENEWAL	CLERK	SOFTWARE	3,800.00
SGS ENVIRONMENTAL	FY21 WATER TESTING	WATER	PROFESSIONAL SERVICES	5,000.00
AA DAN'S CONSTRUCTION	DISC GOLF COURSE MULCHING	RECREATION	REPAIR & MAINTENANCE	2,600.00
PRECIOUS JANITORIAL	AUGUST SERVICES	LIBRARY	REPAIR & MAINTENANCE	2,795.00



*"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmental safe marine transportation and oil facility operations in Cook Inlet."*

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*Members*

July 9, 2020

*Tourism Group*

The Honorable Brian Gabriel, Sr.  
Mayor – City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

*Alaska Native Group*

*Environmental Group*

Mayor Gabriel:

Thank you and the City Council for your letter supporting recertification of the Cook Inlet Regional Citizens Advisory Council (CIRCAC) by the U.S. Coast Guard.

*Recreation Group*

CIRCAC is a nonprofit organization formed under the Oil Pollution Act of 1990 to provide citizen oversight of oil industry operations in Cook Inlet. The annual recertification process conducted ensures that our organization is performing our activities in the manner that Congress intended.

*Aquaculture Associations*

*Commercial Fishing Group*

Citizen oversight is an integral part of protecting the safety of Cook Inlet. We appreciate all your efforts in support of that oversight, and the efforts made on your part to help us achieve our federal mandates. We look forward to working with you in the years to come to continue making sure Cook Inlet's oil resources are produced and transported in an environmentally safe manner.

*City of Kodiak*

*City of Kenai*

Sincerely,

Michael Munger  
Executive Director

*City of Seldovia*

*City of Homer*

*Kodiak Island Borough*

*Kenai Peninsula Borough*

*Municipality of Anchorage*

*Cook Inlet Regional Citizens Advisory Council \* 8195 Kenai Spur Hwy, Kenai, AK 99611-8033  
Phone: (907) 283-7222 \* Fax (907) 283-6102*

[www.circac.org](http://www.circac.org)



*"Serving the Greater Kenai Peninsula"*

305 N. WILLOW ST. SUITE 200 KENAI, ALASKA 99611  
TELEPHONE 907-283-7951  
FAX 907-283-3737

## **AIRPORT BULLETIN 5-2020**

**To:** Airport Tenants  
**From:** Kenai Airport Management  
**Date:** July 30, 2020  
**Subject:** **Security Awareness-General Aviation & Reporting**

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As part of our security program, we are required to implement a security awareness program issuing quarterly bulletins.

Increased security awareness for general aviation community is paramount. Security is everyone's responsibility. Situational awareness of your surroundings, the people you are in contact with and the aircraft that you operate are proven security methods. General Aviation is considered to be a target of opportunity. Help to keep our general aviation community safe, secure and thriving.

Today we were made aware that av gas has been stolen from several general aviation tenants on the airfield. These occurrences have been reported to the Kenai Police Department and airport staff will notify Guardian Security to ensure added patrols.

No one knows our airport better than us, so if you see something out of the ordinary, say something!



**US Army Corps  
of Engineers  
Alaska District**

# Special Public Notice

CEPOA-RD (1145)  
Post Office Box 6898  
JBER, Alaska  
99506-0898

<b>PUBLIC NOTICE DATE:</b>	<b>July 24, 2020</b>
<b>EXPIRATION DATE:</b>	<b>August 24, 2020</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2017-00271</b>
<b>WATERWAY:</b>	<b>MULTIPLE</b>

## **NOTICE OF AVAILABILITY FOR THE PEBBLE PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT**

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, Alaska District, Regulatory Division (USACE), in cooperation with U.S. Coast Guard (USCG), Department of the Interior's Bureau of Safety and Environmental Enforcement (BSEE), the Advisory Council on Historic Preservation (ACHP), the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency (EPA), the U.S. Department of Interior National Park Service (NPS), the Pipeline and Hazardous Materials Safety Administration, the State of Alaska, the Lake and Peninsula Borough, the Curyung Tribal Council, and the Nondalton Tribal Council, has completed and is making available to the public, a Final Environmental Impact Statement (FEIS) for the proposed Pebble Project.

The proposed Pebble Project includes the construction of an open-pit mine and associated ore processing facilities; an 82-mile road from the mine site to a port facility; a port facility near Diamond Point; a lightering location in Iniskin Bay; a 164-mile natural gas pipeline originating on the Kenai Peninsula and extending across Cook Inlet to the port facility, following the transportation corridor and terminating at the mine site; a 164-mile fiber optic cable paralleling the natural gas pipeline; concentrate and return water pipelines which parallel the transportation corridor between the mine site and the port facility; and power generation facilities located at the mine and the port site.

The Notice of Availability (NOA) of the FEIS was published in the *Federal Register* on July 24, 2020. In accordance with NEPA regulations, the USACE will not issue a Joint Record of Decision (JROD) on the proposed action until at least 30 days after the NOA publication date. The JROD will state the decision of USACE and of USCG on whether to authorize the portions of the Pebble Project which require USACE or USCG authorization, and if authorizations are issued, the conditions under which the activities would be allowed to occur, and the factors considered in the decisions.

The FEIS, as well as the Department of the Army permit application and its revisions, and other supporting information can be viewed on the Pebble Project EIS website: [www.pebbleprojecteis.com](http://www.pebbleprojecteis.com). In addition, copies of the FEIS may be viewed at the following locations: Bristol Bay Borough Libraries (serving King Salmon, Naknek, and South Naknek); Dillingham Public Library, Dillingham, Alaska; Georgetown University, Washington, D.C.; Homer Public Library, Homer, Alaska; Kenai Community Library, Kenai, Alaska; Soldotna Public Library, Soldotna, Alaska; Z.J. Loussac Public Library, Anchorage, Alaska; Alaska Resource Library and Information Services, Anchorage, Alaska; and the University of Alaska/Pacific University, Anchorage Consortium Library, Anchorage, Alaska.

WATER QUALITY CERTIFICATION: Department of the Army authorization of discharges of dredged or fill material into waters of the United States cannot be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act, the USACE expects to make an Adverse Effect determination for the proposed project. A description of the efforts to identify historic properties and known potential historic properties that may be affected by the project is provided in the FEIS. USACE, in consultation with ACHP, the State Historic Preservation Officer, and other consulting parties, is drafting a Programmatic Agreement (PA). The PA would direct the identification, evaluation, and assessment of effects to historic properties, as well as resolution of adverse effects to historic properties which would occur as a result of the work under the requested permit. A copy of the draft PA is located in Appendix L of the FEIS.

By copy of this notice, USACE seeks comments on the draft PA. In addition, USACE continues to seek any comments concerning potential historic properties that may be affected by work under the requested permit. Comments regarding the draft PA or potential historic properties should be sent to USACE at the address above and should include the Public Notice reference number above. All comments should be post marked no later than the expiration date of this Public Notice to become part of the record and be considered.

Any questions pertaining to this notice may be directed to Shane McCoy, Program Manager, USACE, at (907) 753-2712, toll free from within Alaska at (800) 478-2712, via email at [poaspecialprojects@usace.army.mil](mailto:poaspecialprojects@usace.army.mil), by fax at (907) 753-5567, or at the address above.

District Commander  
U.S. Army, Corps of Engineers

Enclosure: Notice of Application for State Water Quality Certification

MICHAEL J. DUNLEAVY, GOVERNOR

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in this Corps of Engineers' Public Notice (PN) Reference Number **POA-2017-00271, Multiple Waterbodies**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

### Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Kate Orozco at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.

**Ken and Connie Tarbox**

687 Yolla Bolly Trail, Redding, CA 96003  
530-356-1304 tarbox1946@gmail.com



23 July 2020

City of Kenai, Alaska  
210 Fidalgo Ave.  
Kenai, Alaska 99611

Dear City of Kenai, Alaska,

Connie and I want to thank the Mayor, City Council, City Manager, and staff for honoring Connie and myself by naming the Wildlife Viewing Platform the Tarbox Wildlife Viewing Platform. We are very humbled by this honor and our appreciation is unlimited.

When Connie and I began developing the Kenai Peninsula Wildlife Viewing Trail we realized the City of Kenai was centrally located and offered a perfect spot to base one's vacation relative to the Trail locations. The Kenai Flats are world famous for not only birding but wildlife like caribou, moose, and Beluga whales. Missing was an anchor point for the trail and the flats. A viewing platform provided that anchor and over the years has been central to the Kenai Birding Festival and as an attraction for visitors both locally and from around the world. Wildlife viewing continues to be a major economic benefit to Kenai communities. The platform could not have come to fruition without the City, the Kenai Watershed Forum, State and Federal funds, and private donations. So Connie and I want to accept this honor in recognition of their co-operation..

Unfortunately we had to move from Alaska for medical reasons but our heart will always be with Alaska and the City of Kenai. Thank you again for your kind actions.

*Ken Tarbox, Connie Tarbox*  
Ken and Connie Tarbox

