



Kenai City Council - Regular Meeting

January 15, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

AGENDA

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. **Purple Heart City Proclamation**
5. 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)

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **Resolution No. 2020-01** - Recommending that the Kenai Peninsula Borough Assembly Not Enact Ordinance 2019-24 Substitute. (Administration)
2. **Resolution No. 2020-02** - Authorizing the Joint Purchase of Self Contained Breathing Apparatuses (SCBA) Equipment for the City of Kenai, Nikiski Fire, and Central Emergency Services. (Administration)

E. MINUTES

1. *Regular Meeting of December 4, 2019. (City Clerk)
2. *Regular Meeting of December 18, 2019. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

- 1. *Action/Approval** - Bills to be Ratified. (Administration)
- 2. *Action/Approval** - Non-Objection to Liquor License Renewals for Country Liquor, Upper Deck, and Walmart. (City Clerk)
- 3. *Ordinance No. 3101-2020** - Accepting and Appropriating a Grant from the Rasmuson Foundation for the Purchase and Installation of Security Cameras at the City's Historical Cabins in Old Town Kenai. (Administration)
- 4. Ordinance No. 3102-2020** - Amending Kenai Municipal Code 14.20.280 Public Hearings and Notifications, to Reduce the Newspaper Posting Requirement. (Council Member Knackstedt)
- 5. Action/Approval** - Purchase Orders Over \$15,000. (Administration)
- 6. Action/Approval** - Lease Assignment from Kenai Fabric Center, Inc. to SOAR International Ministries, Inc. Located at 105 and 115 North Willow Street. (Administration)
- 7. Action/Approval** - Mayoral Nominations for Appointments to the Beautification Committee and Harbor Commission. (Mayor Gabriel)
- 8. Discussion/Action** - Remote Seller Sales Tax Implementation. (Legal)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
- 2.** Airport Commission
3. Harbor Commission
- 4.** Park and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

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

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

K. ADDITIONAL PUBLIC COMMENT

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

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

1. Purchase Orders between \$2,500 and \$15,000.
2. FERC Revised Environmental Assessment Schedule - Trans Foreland Project
3. Kenai Visitor and Cultural Center Report - November 2019

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

Item Attachment Documents:

1. **Resolution No. 2020-01** - Recommending that the Kenai Peninsula Borough Assembly Not Enact Ordinance 2019-24 Substitute. (Administration)



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020-01

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, RECOMMENDING THAT THE KENAI PENINSULA BOROUGH ASSEMBLY NOT ENACT ORDINANCE 2019-24 SUBSTITUTE.

WHEREAS, Kenai Peninsula Borough Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions, was introduced by the Kenai Peninsula Borough Assembly on September 3, 2019; and,

WHEREAS, at its meeting of December 3, 2019, the Assembly amended Ordinance 2019-24 by Substitute; and,

WHEREAS, Ordinance 2019-24 (Substitute) establishes standards and requirements for the establishment of private streets in subdivisions in the Borough, both inside and outside of cities, either at the time of subdivision or by the owners of parcels along existing public street(s); and,

WHEREAS, Ordinance 2019-24 (Substitute) does not provide sufficient process for a home rule municipality to control the establishment of private streets for new subdivisions within their boundaries; and,

WHEREAS, within the City of Kenai, the City is responsible for road maintenance and other services to its residents, which Ordinance 2019-24 (Substitute) has the potential to affect; and,

WHEREAS, Ordinance 2019-24 (Substitute) is not necessary as private streets within the City and in other parts of the Borough have been approved in the past utilizing the exception process provided in Kenai Peninsula Borough Code 20.50 and landowners wishing to establish private streets in the future can utilize the same exception process that already exists; and,

WHEREAS, due to the lack of control that home rule municipalities would have over the establishment of private streets within their boundaries if Kenai Peninsula Borough Ordinance 2019-24 (Substitute) were enacted, and given the fact that landowners already have the ability to create private streets when developing a new subdivision through the exception process, the City of Kenai cannot support the passage of Ordinance 2019-24 (Substitute);

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

Section 1. That the City Council respectfully requests that the Kenai Peninsula Borough Assembly not enact Kenai Peninsula Borough Ordinance 2019-24 (Substitute).

Section 2. That copies of this resolution shall be sent to Kenai Peninsula Borough Mayor Charlie Pierce, Assembly President Kelly Cooper, and Assembly Members.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15th day of January, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Paul Ostrander, City Manager
DATE: January 8, 2020
SUBJECT: **Resolution 2020-01 Recommending the Kenai Peninsula Borough Assembly not enact Ordinance 2019-24 (Substitute)**

Kenai Peninsula Borough Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions, was introduced by the Kenai Peninsula Borough Assembly on September 3, 2019, and was amended by substitute at its meeting of December 3, 2019.

As written, this Ordinance does not provide a sufficient process for a home rule city to control the establishment of private streets within their boundaries. Additionally, Ordinance 2019-24 (substitute) is not necessary as private streets within the City and in other parts of the Borough have been approved in the past utilizing the exception process provided in Kenai Peninsula Borough Code 20.50, and landowners wishing to establish private streets in the future can utilize the same exception process that already exists.

Without a provision specifically excluding first-class and home rule cities from Kenai Peninsula Borough Chapter 20.80 "Private Streets and Gated Communities" or alternatively, amendments to Ordinance 2019-24 (substitute) providing a process whereby municipalities can control the establishment of private streets and gated communities within their boundaries, the passage of Ordinance 2019-24 (substitute) is not in the best interest of the City of Kenai.

Your consideration is appreciated.



Item Attachment Documents:

2. **Resolution No. 2020-02** - Authorizing the Joint Purchase of Self Contained Breathing Apparatuses (SCBA) Equipment for the City of Kenai, Nikiski Fire, and Central Emergency Services. (Administration)



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020 - 02

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE JOINT PURCHASE OF SELF CONTAINED BREATHING APPARATUSES (SCBA) EQUIPMENT FOR THE CITY OF KENAI, NIKISKI FIRE, AND CENTRAL EMERGENCY SERVICES.

WHEREAS, the City of Kenai in coordination with Nikiski Fire Services and Central Emergency Services jointly applied for an Assistance to Firefighters Grant (AFG) through the Department of Homeland Security which is administered by FEMA; and,

WHEREAS, the Grant is intended to assist with the replacement of aging Self-Contained Breathing Apparatus (SCBA) gear across all three departments; and

WHEREAS, on August 27, 2019 the City received written notice from FEMA a Grant for the equipment replacements totaling \$1,094,400 was awarded; and,

WHEREAS, on October 16, 2019 Council enacted Ordinance No. 3090-2019 which appropriated these funds; and,

WHEREAS, the federal share of this Grant is \$994,909.09 and the non-federal share is \$99,490.91; and,

WHEREAS, the non-federal share responsibility by entity is as follows, Kenai Fire \$12,218.19 for 21 packs, Nikiski Fire \$18,618.19 for 32 packs, and Central Emergency Services \$68,654.53 for 118 packs; and,

WHEREAS, the City released a Request for Proposals on November 15, 2019 with Proposals due on December 4, 2019; and,

WHEREAS, representatives from all Departments evaluated the proposals received including field testing of provided equipment; and,

WHEREAS, Municipal Emergency Services was determined to be the successful proposer with Scott Branded SCBA Equipment at a total per pack cost of \$6,400.

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

Section 1. That the City Manager is authorized to execute a contract with Municipal Emergency Services (MES), the successful proposer, for the total contract amount of \$1,094,400.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15th day of January 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: SB for TEubank



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Jeff Tucker, Fire Chief
Scott Curtin, Public Works Director
DATE: January 7, 2020
SUBJECT: Resolution 2020-02 – SCBA Joint Purchase

The City of Kenai in coordination with Nikiski Fire and Central Emergency Services were very fortunate in successfully obtaining a grant through the Department of Homeland Security for the replacement of aging essential equipment.

One hundred seventy-one Self Contained Breathing Apparatus (SCBAs) are being replaced in total. The packs cost \$6,400/ea with each agency being responsible for approximately \$581.82/pack to cover the non-federal share. This a tremendous benefit to each department. With the recent fire season we experienced this past summer, this equipment is an integral necessity to allow fire fighters to continue to safely and effectively perform their jobs.

Council's support is respectfully requested.

Thank you for your consideration.



Item Attachment Documents:

1. *Regular Meeting of December 4, 2019. (City Clerk)

**KENAI CITY COUNCIL – REGULAR MEETING
DECEMBER 4, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on December 4, 2019, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor	Robert Molloy
Henry Knackstedt	Tim Navarre
Jim Glendening	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

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

3. Agenda Approval

Mayor Gabriel noted the following revisions to the packet:

Add to item D.4.	Resolution No. 2019-71
	• Public Comment

MOTION:

Vice Mayor Molloy **MOVED** to approve the agenda with the requested revisions to the packet and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

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

4. Consent Agenda

MOTION:

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

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

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

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

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a councilmember 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

1. **Branden Bornemann, Kenai Watershed Forum** - The Value of Non-profits in Our Community and a Highlight of the Ways in Which the Kenai Watershed Forum and the City of Kenai Have Successfully Partnered with One Another Past, Present, and Future.

Mr. Bornemann noted the value of non-profit agencies in communities in Alaska, provided a history of the Kenai Watershed Forum, and what the Forum does in the City and on the Kenai Peninsula.

2. **Jennifer LeMay, LeMay Engineering** - City of Kenai Draft Hazard Mitigation Plan Presentation.

Ms. LeMay noted her work with the City on revising the Hazard Mitigation Plan, the benefits of having a plan, and provided an overview of the project to revise the plan. She also reviewed the hazards identified as risks to the City along with mitigation goals and actions for the City.

3. **Joy Merriner, BDO Inc.** - Presentation of the FY19 City of Kenai Comprehensive Annual Financial Report.

Ms. Merriner spoke regarding the FY19 Audit Wrap-up document, the Single Audit Report, and the Comprehensive Annual Financial Report (CAFR) noting her firm, BDO, Inc., issued unmodified, clean opinions, meaning the City followed the adopted standards for governmental agencies. She noted there were a lot of grant, procurement, and reporting requirements for the federal grant for the Airport's Terminal Rehabilitation Project and reported there were no issues with those requirements. She added that the CAFR would be submitted to the Alaska Government Finance Officers Association.

C. UNSCHEDULED PUBLIC COMMENTS

Nick Miller spoke regarding internet sales tax noting small businesses use the internet to buy product that can't be purchased in Kenai or Alaska and suggesting something needed to be set in place so resale ability in the borough could be used online.

Bill Dunn spoke regarding the Hazard Mitigation Plan noting the focus of bluff erosion mitigation plan was a mile long stretch in the river and suggested the Mitigation Plan was an opportunity to provide education to the public on protecting the entire bluff. He pointed out people slid down the bluff but there was more bluff than just what the Corps of Engineers had identified. He also pointed out that in 2009, protection of the dunes near the beaches was in the Hazard Mitigation Plan and fencing was enough to discourage people from doing more damage to the dunes suggesting most people wanted to do the right thing and sometimes need a little guidance.

Hunter Beck invited Council to a spaghetti feed and auction benefitting the Students in Transition Program noting the definition of homeless as defined by the Students in Transition Program.

MOTION:

Council Member Navarre **MOVED** to donate \$250 from the Legislative Budget to the Students in Transition Program and Council Member Glendening **SECONDED** the motion.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

D. PUBLIC HEARINGS

Clerk's Note: There was no objection to item D.5. being taken up at this time.

5. **Resolution No. 2019-76** - Identifying the Projects to be Funded through State of Alaska Grant No. 15-DC-078 for Personal Use Fishery Related Improvements on North and South Beaches. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-76 and Vice Mayor Molloy **SECONDED** the motion.

Mayor Gabriel opened for public hearing.

Teea Winger spoke against inclusion of the campground option citing expansion, operation cost, maintenance, accessibility, and public safety concerns. She suggested the proximity to the care center, should remain secluded and recommended the matter be postponed until a site visit could be conducted; also suggested it be put out for proposal for a developer to design and/or build.

Reese Ramsdell spoke against inclusion of the campground on Spruce Street noting problems with transients, trespassing, and maintenance issues; also noted the campground would not be big enough to serve the dipnet fishery users.

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

Clarification was provided the estimates provided were preliminary numbers and the resolution authorized pursuing additional information with an engineer's estimate, the intent to make the campground more functional was to purchase neighboring property, and phasing the project was an option.

There was discussion regarding best use of the property, the need for a campground, the cost of an engineer's estimate for the campground, alternative locations for a campground, and other projects not listed. Clarification was provided the grant funds would not be available for a campground further away from the beach.

MOTION:

Vice Mayor Molloy **MOVED** to amend Section 1 to read "that the City of Kenai identifies vault restroom construction, Little League permanent restrooms, and South Beach shack replacement as three of the projects to be funded through State of Alaska grant 15-DC-078," and Council Member Knackstedt **SECONDED** the motion.

VOTE ON THE AMENDMENT:

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

NAY:

MOTION PASSED UNANIMOUSLY.

A boardwalk project in the area of the dunes was discussed.

UNANIMOUS CONSENT was requested.

VOTE ON THE MAIN MOTION AS AMENDED: There being no objections; **SO ORDERED.**

MOTION:

Council Member Navarre **MOVED** to direct Administration to provide another recommendation at the first meeting in January and Council Member Knackstedt **SECONDED** the motion.

Clarification was provided the Harbor Commission and Parks and Recreation Commission had recommended another project.

UNANIMOUS CONSENT was requested.

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

1. **Ordinance No. 3095-2019** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Department of Justice for the Purchase of Ballistic Vests. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3095-2019 and Vice Mayor Molloy **SECONDED** the motion.

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

VOTE:

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

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3096-2019** - Determining that Real Property Described as Lot One (1), Aleyeska Subdivision Part 3, According to Plat No. 1531 and Lot One A (1-A), Aleyeska Subdivision Part 3, According to Plat K-1531, City-Owned Airport Land Located Outside the Airport Reserve, is not Needed for a Public Purpose and Authorizing the Sale of the Property to MITAK, LLC. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3096-2019 and Council Member Glendening **SECONDED** the motion.

Mayor Gabriel opened for public hearing.

Lindsay Olson noted he was present to answer questions and expressed appreciation for working with the Administration.

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

Mr. Olson was thanked for investing in the City.

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend by inserting the words, "as if vacant," in Section 3, Subsection a, after the words, "a value determined by an appraisal performed on the property," and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE ON THE AMENDMENT: There being no objections; **SO ORDERED.**

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend by replacing quitclaim with warranty in Section 4 and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE ON THE AMENDMENT: There being no objections; **SO ORDERED.**

VOTE ON THE MAIN MOTION AS AMENDED:

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

NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3097-2019** - 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)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3097-2019 and Vice Mayor Molloy **SECONDED** the motion.

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

Clarification was provided that there were over \$980,000 in change orders and the FAA approved over \$800,000 of those and this ordinance appropriated the last of the reimbursement funds so they could be spent.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

4. **Resolution No. 2019-71** - Repealing Policy No. 2017-02, Supervisory Sub-Committee. (Council Member Knackstedt) *[Clerk's Note: At its November 6 meeting Council postponed this item to the December 4 meeting; a motion to adopt is on the floor.]*
 - **Substitute Resolution No. 2019-71** – Amending Council Policy 2017-02, Establishing Procedures and Responsibilities of the Sub-Committee of Council for the Supervision of the City Attorney, City Clerk, and City Manager for Improved Efficiency. (Council Members Knackstedt and Navarre)

Clarification was provided the resolution was brought forth because the subcommittee hadn't been meeting the requirements of the policy and it was thought to eliminate it.

It was pointed out that in the past employees had met individually with council members and discussed personnel problems and this sub-committee was a mechanism for Council to meet with its employees.

MOTION TO AMEND:

Council Member Navarre **MOVED** to amend by Substitute Resolution No. 2019-71 and Council Member Knackstedt **SECONDED** the motion.

It was noted the policy could be amended further in the future if needed but did not want to eliminate it.

There was discussion regarding communicating concerns, conflict supervision, and the entire body being involved in discussions regarding its employees.

VOTE ON THE AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Council Member Glendening **MOVED** to amend section D – Duties, of the policy, to state, “The Supervisory Sub-Committee shall make reports to Council,” in the second paragraph and Council Member Navarre **SECONDED** the motion.

There was discussion regarding written reports on file in the Clerk’s Office and executive sessions.

The amendment motion was withdrawn.

VOTE ON THE MAIN MOTION:

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

MOTION PASSED UNANIMOUSLY.

5. **Resolution No. 2019-76** - Identifying the Projects to be Funded through State of Alaska Grant No. 15-DC-078 for Personal Use Fishery Related Improvements on North and South Beaches. (Administration)

[Clerk’s Note: This item was considered before item D.1.]

6. **Resolution No. 2019-77** - Authorizing a Sole Source Purchase Agreement for Proprietary Water Treatment Chemicals for the City’s Water Treatment Plant to Nalco, an Ecolab Company. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-77 and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

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

7. **Resolution No. 2019-78** - Authorizing the City Manager to Enter Into an Amended Restaurant Concession Agreement with the Kenai Municipal Airport. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-78 and Council Member Peterkin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

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

E. MINUTES

1. *Regular Meeting of November 6, 2019 (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS – None.

G. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Ordinance No. 3098-2019** - Increasing Estimated Revenues and Appropriations in the General Fund, Police Department and Amending Kenai Municipal Code Sections 23.25.040 – Appointee Compensation, 23.25.065 – Shift Differential Pay, 23.50.010 – Employee Classification, and 23.55.030 – Qualification Pay to Improve Recruitment and Retention for Police Officers and Other Eligible Employees Receiving Shift Differential Pay. (Administration)

Introduced by the consent agenda and public hearing set for December 18.

3. ***Ordinance No. 3099-2019** - Amending Kenai Municipal Code Section 23.50.010 – Employee Classification to Amend Class Titles in the Public Works Water and Sewer and Wastewater Classes.(Administration)

Introduced by the consent agenda and public hearing set for December 18.

4. ***Ordinance No. 3100-2019** - Increasing Estimated Revenues and Appropriations by \$4,786.53 in the General Fund - Police Department for Drug Investigation Overtime Expenditures. (Administration)

Introduced by the consent agenda and public hearing set for December 18.

5. **Discussion** – Old Town Kenai Signage (Council Member Knackstedt)

It was noted there were no signs on the Kenai Spur Highway directing visitors to Old Town Kenai; further noted there were businesses and sights in the area. Clarification was provided Administration was working on concepts for signage and an audio tour for the area and would bring the topic back for additional discussion in the future.

6. **Discussion** - Kenai Peninsula Borough Substitute Ordinance 2019-24 - Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions. (Administration)

Clarification was provided the substitute ordinance was currently being considered by the Kenai Peninsula Borough Assembly and it had been postponed to give cities an opportunity to weigh in.

The necessity of the ordinance, the borough having platting powers, City roads being incorporated into a gated subdivision, platting recommendations from the City being upheld by the borough, and road standards were topics discussed.

It was noted the topic would be brought back for further discussion.

7. **Discussion** – Potential Parcel Purchase by Ron Hyde. (Administration)

It was noted Mr. Hyde was considering purchasing a parcel from the City for the purpose of building a hangar for an airship. Clarification was provided on the size of the parcel.

Access to the beach, impacts to wetlands, zoning, and the property being in the City's land sale inventory were topics discussed.

It was noted an application would be brought forth.

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging – No report; next meeting December 12.
2. Airport Commission – No report; next meeting December 12.
3. Harbor Commission – It was reported the Commission met jointly with the Parks and Recreation Commission and made recommendations for Personal Use Fishery related improvements; next meeting is a Special Meeting on January 6.
4. Parks and Recreation Commission – It was reported the Commission met jointly with the Harbor Commission and made recommendations for Personal Use Fishery related improvements; next meeting December 5.
5. Planning and Zoning Commission – It was reported that at their November 13 meeting the Commission approved a Conditional Use Permit for a gunsmithing business, approved an amendment for a Conditional Use Permit for resource extraction, and heard an update regarding the Kenai Peninsula Borough's subdivision ordinance; next meeting December 11.
6. Beautification Committee – No report; next meeting January 14.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attended Veteran's Day event in Soldotna;
- Attended the 50th Anniversary Celebration of the refinery;
- Attended the Alaska Conference of Mayors meetings where school district funding and funding in general was discussed;
- Attended the Thanksgiving meal at the Senior Center sponsored by Hilcorp;
- Provided a reminder for the upcoming Christmas Comes to Kenai event;
- Attended the Boys and Girls Club auction;
- Commended the Finance Director and the Finance Department for another clean audit and noted a Certificate of Achievement the Finance Director was awarded by the Government Finance Officers Association.

J. ADMINISTRATION REPORTS

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

- Attended the recent Alaska Municipal Managers Association Conference; appreciated the opportunity;
- Hosted Policy with a Pint during Startup Week noting three priorities that came up;
- Continuing work on branding for the City; planned a work session on January 15 to present to Council;
- Noted the ongoing work on the Hazard Mitigation Plan and noted reasons to pursue the plan;
- Applied for a seat on the Kenai Peninsula Borough Anadromous Fish Habitat Protection Task Force;
- Commended the Finance Department on their work on the Comprehensive Annual Financial Report;
- Provided updates on the Terminal Rehabilitation Project and the Bluff Erosion Project.

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

- Attended the recent Alaska Municipal Attorneys Association Conference;
- Was appointed to Alaska Municipal League's Sales Tax Commission Board; adopted bylaws; would continue to keep Council informed.

3. City Clerk – City Clerk J. Heinz reported on the following:

- Attended training at the Alaska Association of Municipal Clerks Annual Conference;
- Noted upcoming personal leave.

K. ADDITIONAL PUBLIC COMMENT

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

None.

2. Council Comments

Council Member Knackstedt noted he attended the Alaska Municipal League Conference and suggested organizing a meeting of the City Councils on the Peninsula once or twice a year; regretted missing the installation of the City Clerk as First Vice President of the Alaska Association of Municipal Clerks (AAMC) due to weather; attended the Christmas Comes to Kenai event; heard positive comments on snow plowing efforts; and, thanked the Finance Department for their work.

Council Member Pettey expressed appreciation for the opportunity to attend the Alaska Municipal League Conference; noted she attended the Boys and Girls Club auction; expressed gratitude for Hilcorp's donation for the Senior Center Thanksgiving meal; thanked the Finance Department for looking out for the City's best interest.

Council Member Glendening noted he had recently travelled; networking with the audience was beneficial; attended the joint meeting of the Harbor and Parks and Recreation Commissions; the Hazard Mitigation Plan discussion was informative; and expressed support for the City Clerk's installation as the AAMC First Vice President.

Council Member Peterkin noted and upcoming Cook Inlet Regional Citizen's Advisory Council meeting in Anchorage and expressed gratitude to the Finance Department.

Vice Mayor Molloy thanked the presenters and those that spoke during public comments at the meeting, congratulated the Finance Department on a clean audit, and congratulated the City Clerk on installation as First Vice President of AAMC.

L. EXECUTIVE SESSION

1. Review and Discussion of the Terms of an Employment Agreement Extension for the City Manager which Pursuant to AS 44.62.310(C)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the Applicant and per AS 44.62.310(c)(1) is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City.

MOTION:

Vice Mayor Molloy **MOVED** to enter into executive session to review and discuss the terms of an employment agreement extension for the City Manager which may be a subject that tends to prejudice the reputation and character of the City Manager and is a matter of which the immediate knowledge may have an adverse effect upon the finances of the City. [AS44.62.310(C)(1)(2)]; requested the attendance of City Manager, Paul Ostrander, and the City Attorney as needed. Council Member Knackstedt **SECONDED** the motion.

VOTE:

YEA: Knackstedt, Gabriel, Glendening, Molloy, Peterkin, Pettey
NAY:

MOTION PASSED UNANIMOUSLY.

Council reconvened in open session and it was noted for the record that Council met in executive session and reviewed and discussed the terms of an employment agreement extension for the

City Manager's Contract. It was also noted a mutually agreed upon contract extension would be an approval item at a future meeting.

M. PENDING ITEMS – None.

N. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 11:20 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of December 4, 2019.

Jamie Heinz, CMC
City Clerk

Item Attachment Documents:

2. *Regular Meeting of December 18, 2019. (City Clerk)

**KENAI CITY COUNCIL – REGULAR MEETING
DECEMBER 18, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on December 18, 2019, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Mayor Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Brian Gabriel, Mayor	Robert Molloy
Henry Knackstedt	Tim Navarre
Jim Glendening	Robert Peterkin
Glenese Pettey	

A quorum was present.

Also in attendance were:

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

3. Agenda Approval

Mayor Gabriel noted the following revisions to the packet:

Add item O.2.	Information Items
	• Public Comment

MOTION:

Vice Mayor Molloy **MOVED** to approve the agenda with the requested revisions to the packet and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

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

4. Consent Agenda

MOTION:

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

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

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

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

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a councilmember 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

1. **Maggie Winston, Project Homeless Connect** – Update on Homelessness in Kenai and an Invitation to the Project Homeless Connect Event.

Jodi Stuart, on behalf of Maggie Winston, noted the partnership between the City of Kenai and Project Homeless Connect, encouraged the consideration of homeless when considering ordinances, provided an overview of the Project Homeless Connect event, provided historical data of the event, and invited Council to attend the upcoming Project Homeless Connect Event.

C. UNSCHEDULED PUBLIC COMMENTS

None.

D. PUBLIC HEARINGS

1. **Ordinance No. 3098-2019** - Increasing Estimated Revenues and Appropriations in the General Fund, Police Department and Amending Kenai Municipal Code Sections 23.25.040 – Appointee Compensation, 23.25.065 – Shift Differential Pay, 23.50.010 – Employee Classification, and 23.55.030 – Qualification Pay to Improve Recruitment and Retention for Police Officers and Other Eligible Employees Receiving Shift Differential Pay. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3098-2019 and Vice Mayor Molloy **SECONDED** the motion.

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

An overview of the research conducted and meetings with police department staff was provided noting the ordinance authorized signing bonuses in certain situations, resulted in cost savings

associated with academy training, amended shift differential pay to maintain standards with departments across the state, provided incentive pay as a tool for retention, provided an increase to officers conducting field training, and a pay increase for investigators who lose the opportunity for shift differential pay. It was noted that no additional appropriation would be needed for the current fiscal year and the plan was sustainable for future years.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend by replacing range 17D with the range 17E in Section 6 (1)(ii) and Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

VOTE ON THE AMENDMENT: There being no objections; **SO ORDERED.**

Staff was thanked for the work put into the ordinance.

Clarification was provided the City would be more competitive with state troopers, depending on experience, than currently.

Appreciation was expressed that the changes were sustainable for the budget.

Gratitude was expressed to the officers for the work they did for the City.

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3099-2019** - Amending Kenai Municipal Code Section 23.50.010 – Employee Classification to Amend Class Titles in the Public Works Water and Sewer and Wastewater Classes. (Administration)

MOTION:

Council Member Navarre **MOVED** to enact Ordinance No. 3099-2019 and Council Member Glendening **SECONDED** the motion.

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

Clarification was provided that the ordinance created two levels of Operator positions on the water side and on the wastewater side which allowed the City to hire someone not as highly qualified and provide on the job training to get certifications and then move into the higher level position. It was felt this would make recruitment more successful.

Clarification was also provided that certifications came after nearly 2,000 hours of coursework and testing in person as well as on the job. It was noted that staff were now cross training.

MOTION:

Council Member Knackstedt **MOVED** to amend by removing the duplicate 414 Class Code and Vice Mayor Molloy **SECONDED** the motion.

VOTE ON THE AMENDMENT: There being no objections; **SO ORDERED.**

VOTE ON THE MAIN MOTION AS AMENDED:

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

NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3100-2019** - Increasing Estimated Revenues and Appropriations by \$4,786.53 in the General Fund - Police Department for Drug Investigation Overtime Expenditures. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3100-2019 and Council Member Glendening **SECONDED** the motion.

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

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution No. 2019-79** - Adopting an Alternative Allocation Method for the FY20 Shared Fisheries Business Tax Program and Certifying that this Allocation Method fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in FMA 14: Cook Inlet. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2019-79 and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

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

Clarification was provided that the funds went into the general fund and were utilized as deemed appropriate for the City by City Council.

VOTE: There being no objections; **SO ORDERED**

5. **Resolution No. 2019-80** - Authorizing the City Manager to Enter into a Vending Machine Concession Agreement for the Kenai Municipal Airport. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-80 and requested **UNANIMOUS CONSENT**. Vice Mayor Molloy **SECONDED** the motion.

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

VOTE: There being no objections; **SO ORDERED**

6. **Resolution No. 2019-81** - Supporting the Alaska Municipal League's Resolution No. 22-2020 Requesting the Alaska State Legislature Approve a Coastal Infrastructure General Obligation Bond for the 2020 Election. (Council Member Jim Glendening)

MOTION:

Council Member Glendening **MOVED** to adopt Resolution No. 2019-81 and Vice Mayor Molloy **SECONDED** the motion.

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

Clarification was provided that the intent was that the legislature would authorize general obligation bonding for Capital Improvement Projects related to coastal infrastructure.

It was noted that there were over seventy Port and Harbor facilities in the state and a report card from the Society of Civil Engineers graded Alaska a D in 2017 which indicated the need for improvements.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

7. **Resolution No. 2019-82** - Adopting the City of Kenai's Capital Improvement Plan Priority List for State Funding Requests for the Fiscal Year 2021. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2019-82 and Council Member Pettey **SECONDED** the motion.

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

Clarification was provided that the list was compiled using information from multiple departments in the City and indicated the City's top priority project is along with additional projects, prioritized high to low, in the event the legislature found funds for capital improvements.

Clarification was also provided that the funding request for Wildwood Drive improvements were improvements to the existing road and could be accomplished without clarifying ownership; the improvements weren't a reconstruction of the road. It was noted the City continues to get complaints on the road and it was felt it was worth it to attempt to get funding for improvements.

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

8. **Resolution No. 2019-83** - Requesting the Kenai Peninsula Borough Select Through its Municipal Entitlement, Land Described as T.6N., R.11W. Sec. 31, Lots 40, 41, and 42 Containing 3.75 Acres, from the State of Alaska for the City of Kenai to Enable the Continued Maintenance and Operation of the 4th Avenue Municipal Park. (Legal)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2019-83 and Council Member Peterkin **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

Clarification was provided that the request was likely to happen and that this was the first step in a process.

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

9. **Resolution No. 2019-84** - Requesting the Alaska Department of Transportation and Public Facilities Keep the Silvertip Maintenance Station Open. (Council Members Pettey and Knackstedt)

MOTION:

Council Member Pettey **MOVED** to adopt Resolution No. 2019-84 and Council Member Knackstedt **SECONDED** the motion.

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

Mayor Gabriel declared a conflict noting he was a Foreman for the Department of Transportation. Vice Mayor Molloy ruled Mayor Gabriel had a conflict and excused him from deliberation and voting.

There was discussion about impacts to other communities from various state budget related cuts and whether or not all impacts should be included.

It was noted the motor fuel tax was intended to provide funding to maintain the road system.

The suggestion was made that a road closure would block off the whole peninsula for several hours, maintenance should be provided when conditions warrant, and that the resolution showed the legislature that transportation was important to the Kenai Peninsula.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

E. MINUTES – None.

F. UNFINISHED BUSINESS – None.

G. NEW BUSINESS

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

Approved by the consent agenda.

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

Approved by the consent agenda.

3. ***Action/Approval** - Non-Objection to New Liquor License for Los Compadres Mexican Restaurant, LLC. (City Clerk)

Approved by the consent agenda.

4. ***Action/Approval** - Special Use Permit to Schilling Alaska, Inc. d/b/a The Uptown Motel for Snow Storage. (Administration)

Approved by the consent agenda.

5. **Action/Approval** – Amending an Employment Agreement between the City of Kenai and City Manager, Paul Ostrander to Extend the Agreement. (Mayor Gabriel)

MOTION:

Vice Mayor Molloy **MOVED** to approve an amended Employment Agreement between the City of Kenai and City Manager, Paul Ostrander, and Council Member Knackstedt **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Clarification was provided the contract was extended for three years.

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

6. **Action/Approval** - Mayoral Nominations for Appointment to the Planning and Zoning Commission. (City Clerk)

MOTION:

Council Member Knackstedt **MOVED** to confirm the reappointment of Diane Fikes and Robert Springer to the Planning and Zoning Commission and requested **UNANIMOUS CONSENT**. Council Member Navarre **SECONDED** the motion.

The applicants were thanked for their willingness to serve another term.

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

7. **Action/Approval** – Mayoral Nominations for Appointment to Committees and Commissions. (City Clerk)

MOTION:

Vice Mayor Molloy **MOVED** to confirm the appointments and reappointments to Commissions as presented. Council Member Navarre **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

H. COMMISSION/COMMITTEE REPORTS

1. Council on Aging – No report; next meeting January 9.
2. Airport Commission – It was reported the Commission recommended approval of the Vending Machine Concession addressed at this meeting; next meeting January 9.
3. Harbor Commission – It was reported the Coast Guard was looking into attending a future meeting to report on their dipnet fishery observations; next meeting is a Special Meeting on January 6.
4. Parks and Recreation Commission – It was reported the Commission heard a dipnet report at their December meeting; next meeting January 2.
5. Planning and Zoning Commission – No report; next meeting January 8.
6. Beautification Committee – No report; next meeting January 14.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Joined in the Laying of the Wreaths Ceremony on December 19;
- Judged the Kenai Middle School Door Decorating Contest;
- Noted the upcoming Kenai Central High and Soldotna High Alumni hockey game;
- Wished everyone a Merry Christmas.

J. ADMINISTRATION REPORTS

1. City Manager – City Manager P. Ostrander reported on the following:
 - Ongoing work on a fleet replacement plan;
 - Ongoing work on a true five-year Capital Improvement Plan;
 - A grant secured by the City Planner for security at historical cabins;
 - Grants applied for, for the City Dock and removal of hazard trees;
 - Kenai Police Department participating in Shop with a Cop;
 - Status update on the Bluff Erosion Project noting the Corps of Engineers had signed off on the request to design the project and the last step was for the Office of Management and Budget to sign off.
2. City Attorney – No report.
3. City Clerk – No report.

K. ADDITIONAL PUBLIC COMMENT

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

None.

2. Council Comments

All wished everyone a Merry Christmas.

Council Member Knackstedt noted appreciation for the interest the police officers expressed in the ordinance regarding their compensation packages.

Council Member Glendening expressed gratitude that the City was working on grants, noted he attended a recent dog park meeting, and noted he planned to attend the alumni hockey game.

Council Member Peterkin thanked the Police Department for their service to the City; also thanked the Finance Director, Public Works Director, and the Water and Wastewater crew. Congratulated the City Manager on the extended contract.

Council Member Navarre noted he attended recent school concerts.

Vice Mayor Molloy expressed gratitude for the opportunity to attend AML; had an opportunity to meet with Leslie Cruzen. Suggested a kickoff event for the design phase of the Bluff Erosion Project. Noted the City and Council did good work over 2019; expressed appreciation for the work from the City Manager, City Clerk, and City Attorney. Also expressed appreciation that the Police Department was participating in Shop with a Cop.

L. EXECUTIVE SESSION – None.

M. PENDING ITEMS – None.

N. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:19 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of December 18, 2019.

Jamie Heinz, CMC
City Clerk

Item Attachment Documents:

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

PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: JANUARY 15, 2020

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	98,993.57
INTEGRITY JANITORIAL	DEC. SERVICE AT CITY HALL	NON-DEPARTMENTAL	REPAIR & MAINTENANCE	1,389.00
PRECIOUS JANITORIAL	DEC. SERVICE AT LIBRARY	LIBRARY	REPAIR & MAINTENANCE	2,795.00
PRECIOUS JANITORIAL	DEC. SERVICE AT TERMINAL	AIRPORT	REPAIR & MAINTENANCE	4,495.00
PRECIOUS JANITORIAL	DEC. SERVICE AT POLICE	POLICE	REPAIR & MAINTENANCE	978.00
HOMER ELECTRIC	ELECTRIC USAGE	VARIOUS	UTILITIES	104,521.97
PREMERA BLUE CROSS	JANUARY PREMIUM	VARIOUS	LIABILITY	205,487.74

INVESTMENTS

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

Item Attachment Documents:

2. ***Action/Approval** - Non-Objection to Liquor License Renewals for Country Liquor, Upper Deck, and Walmart. (City Clerk)



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, City Clerk
DATE: January 9, 2020
SUBJECT: **Liquor License Renewal**

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

- Country Liquor, LLC D/B/A Country Liquor
- Upper Deck, LLC D/B/A The Upper Deck
- Walmart, Inc. D/B/A Walmart Supercenter #4474

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

Your consideration is appreciated.





210 Fidalgo Avenue, Kenai, Alaska 99611-7794
Telephone: 907-283-7535 / FAX: 907-283-3014



MEMORANDUM

TO: David Ross, Chief of Police
Willie Anderson, Lands
Terry Eubank, Finance Department
Scott Bloom, Legal Department
Elizabeth Appleby, City Planner
Mike Wesson, Building Official
Jeremy Hamilton, Fire Marshal

FROM: Jacquelyn LaPlante, Deputy Clerk

DATE: December 18, 2019

RE: **Liquor License Renewal**

The Alcoholic Beverage Control Board has sent notification that the following applicant has applied for renewal of their Liquor License #1308:

Applicant: Country Liquor, LLC
D/B/A: Country Liquor

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 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.

Please review account(s) maintained by your department (i.e. water and sewer billings, lease/property payment history, citations, etc.) by the above reference applicant. Initial whether account(s) and/or payment plan(s) are current or delinquent. If accounts are delinquent, attach information to this memorandum indicating amounts owed and for which accounts.

Please let me know if you have any questions. Once you have completed your section, please route to the next department. Thanks!

1. **Police Department** D.V. initials

- ☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
- ☐ The applicant has outstanding obligations and an additional page has been attached.

2. **Finance** JLO initials

- ☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
- ☐ The applicant has outstanding obligations and an additional page has been attached.

3. **Legal** SM initials

- ☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
- ☐ The applicant has outstanding obligations and an additional page has been attached.

4. **Lands Management** wla initials

- ☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
- ☐ The applicant has outstanding obligations and an additional page has been attached.

5. **Planning and Zoning** EA initials

- ☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
- ☐ The applicant has outstanding obligations and an additional page has been attached.

6. **Building Official** MC initials

- ☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
- ☐ The applicant has outstanding obligations and an additional page has been attached.

7. **Fire Marshal** JS initials

- ☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
- ☐ The applicant has outstanding obligations and an additional page has been attached.

Returned to Clerk's office: 1/6/2020 JS



Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Country Liquor, LLC	License #:	1308
License Type:	Package Store		
Doing Business As:	Country Liquor		
Premises Address:	140 S Willow Street		
Local Governing Body:	City of Kenai (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	P.O. Box 2311		
City:	Kenai	State:	Alaska
		ZIP:	99611

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:	Benjamin Jackinsky	Contact Phone:	907 283 7657
Contact Email:	BenjaminJackinsky@acsalaska.net		

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:		Contact Phone:	
Contact Email:			



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Country Liquor	License Number:	1308
License Type:	Package Store		
Examiner:	JOHN	Transaction #:	1181087

Document	Received	Completed	Notes
AB-17: Renewal Application	11/18	12/17	
App and License Fees	11/18	11/18	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

LGB 1 Response:

☐ Waive ☐ Protest ☐ Lapsed

LGB 2 Response:

☐ Waive ☐ Protest ☐ Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17b: 2020/2021 Package Store Renewal License Application**Section 2 – Entity or Community Ownership Information**

Entities who directly hold a license or an individual or individuals should skip to section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:

120358

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. You must list **ALL** of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.

Name of Official:	Benjamin Jackinsky			
Title(s):	Manager Member	Phone:	907 283 7657	% Owned: 40
Mailing Address:	Box 2311			
City:	Kendi	State:	Alaska	ZIP: 99611

Name of Official:	Billingslea Family Limited Partnership			
Title(s):	Member	Phone:	907 262-4856	% Owned: 60
Mailing Address:	P.O. Box 76			
City:	Soldotna	State:	Alaska	ZIP: 99669

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



Billingslee Family Limited Partnership

Members:

B. Frederick Billingslee
Box 76
Soldotna, Alaska 99669
(907) 262-4856

Everett Billingslee
2424 Lorentz Place N.
Seattle, Washington 98109
(206) 439-5490

Sidney Billingslee
9300 Atelier Dr
Anchorage, Alaska 99507
(907) 279-2517

* Everett Billingslee is the Sec. of the LLC

AMCO
NOV 18 2019

**Form AB-17b: 2020/2021 Package Store Renewal License Application****Section 3 – Sole Proprietor Ownership Information**

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: ☐ applicant ☐ affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: ☐ applicant ☐ affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

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

Initials

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

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018 2019

The license was regularly operated continuously throughout each year.

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------	-------------------------------------

The license was regularly operated during a specific season each year.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

**Form AB-17b: 2020/2021 Package Store Renewal License Application****Section 6 – Written Orders****Written orders in calendar years 2020 and 2021:**

Yes No

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2020 and/or 2021?

☐ ☒**Section 7 – Violations and Convictions****Applicant violations and convictions in calendar years 2018 and 2019:**

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?☐ ☒

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

☐ ☒

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 8 – Certifications**Read each line below, and then sign your initials in the box to the right of each statement:**

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

☒

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

☒

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

☒

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Printed name of licensee

Begam Jackinsky

Signature of Notary Public

Notary Public and for the State of AlaskaMy commission expires: 05/08/2021Subscribed and sworn to before me this 19 day of November, 2019.Seasonal License? Yes ☐ No ☐

If "Yes", write your six-month operating period: _____

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS &
PROFESSIONAL LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database
Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Country Liquor, LLC

Entity Type: Limited Liability Company

Entity #: 120358

Status: Good Standing

AK Formed Date: 1/28/2009

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: PO BOX 2311, KENAI, AK 99611

Entity Physical Address: 140 SOUTH WILLOW SUITE B, KENAI, AK 99611

Registered Agent

Agent Name: Benjamin Jackinsky

Registered Mailing Address: PO BOX 2311, KENAI, AK 99611

Registered Physical Address: 506 Attla, Kenai, AK 99611

Officials

☐ Show Former

AK Entity #	Name	Titles	Owned
	Benjamin Jackinsky	Manager, Member	40.00
	Billingslea Family Limited Partnership	Member	60.00

Filed Documents

Date Filed	Type	Filing	Certificate
1/28/2009	Creation Filing	Click to View	
2/06/2009	Initial Report	Click to View	
4/28/2009	Initial Report	Click to View	
1/28/2011	Biennial Report	Click to View	
11/28/2011	Change of Officials	Click to View	
3/04/2013	Biennial Report	Click to View	
3/04/2013	Agent Change	Click to View	
10/21/2013	Change of Officials	Click to View	
12/29/2014	Biennial Report	Click to View	
11/16/2016	Biennial Report	Click to View	
4/10/2019	Biennial Report	Click to View	

COPYRIGHT © STATE OF ALASKA · [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT](#) · [EMAIL THE WEBMASTER](#)



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

December 18, 2019

City of Kenai & Kenai Peninsula Borough

Via Email: jblankenship@kpb.us

dhenry@kpb.us

jrogers@kpb.us

sness@kpb.us

tshassetz@kpb.us

jheinz@kenai.city

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Package Store	License Number:	1308
Licensee:	Country Liquor, LLC		
Doing Business As:	Country Liquor		

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Interim-Director

amco.localgovernmentonly@alaska.gov



Office of the Borough Clerk

Page 51

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

Johani Blankenship, MMC
Borough Clerk

12/20/2019

Sent via email: jheinz@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Country Liquor LLC
Business Name	:	Country Liquor
License Type	:	Package Store
License Location	:	140 S. Willow Street, City of Kenai
License No.	:	1308
Application Type	:	License Renewal

Dear Ms. Heinz,

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

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

Sincerely,

Johani Blankenship, MMC
Borough Clerk

JB

Encl.

cc: benjaminjackinsky@acsalaska.net; jheinz@kenai.city; DCooper@kpb.us;
SNess@kpb.us



210 Fidalgo Avenue, Kenai, Alaska 99611-7794
Telephone: 907-283-7535 / FAX: 907-283-3014



MEMORANDUM

TO: David Ross, Chief of Police
Willie Anderson, Lands
Terry Eubank, Finance Department
Scott Bloom, Legal Department
Elizabeth Appleby, City Planner
Mike Wesson, Building Official
Jeremy Hamilton, Fire Marshal

FROM: Jacquelyn LaPlante, Deputy City Clerk

DATE: December 20, 2019

RE: **Liquor License Renewal**

The Alcoholic Beverage Control Board has sent notification that the following applicant has applied for renewal of their Liquor License #2993:

Applicant: Upper Deck, LLC
D/B/A: The Upper Deck

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 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.*

Please review account(s) maintained by your department (i.e. water and sewer billings, lease/property payment history, citations, etc.) by the above reference applicant. Initial whether account(s) and/or payment plan(s) are current or delinquent. If accounts are delinquent, attach information to this memorandum indicating amounts owed and for which accounts.

Please let me know if you have any questions. Once you have completed your section, please route to the next department. Thanks!

1. **Police Department** DR initials
☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
☐ The applicant has outstanding obligations and an additional page has been attached.
2. **Finance** JW initials
☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
☐ The applicant has outstanding obligations and an additional page has been attached.
3. **Legal** JB initials
☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
☐ The applicant has outstanding obligations and an additional page has been attached.
4. **Lands Management** EA initials
☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
☐ The applicant has outstanding obligations and an additional page has been attached.
5. **Planning and Zoning** EA initials
☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
☐ The applicant has outstanding obligations and an additional page has been attached.
6. **Building Official** Wm initials
☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
☐ The applicant has outstanding obligations and an additional page has been attached.
7. **Fire Marshal** JD initials
☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.
☐ The applicant has outstanding obligations and an additional page has been attached.

Returned to Clerk's office: 1/6/2020 JS



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

Page 54

December 19, 2019

City of Kenai (Kenai Peninsula Borough)

Via Email: jheinz@kenai.city

jblankenship@kpb.us

dhenry@kpb.us

jrogers@kpb.us

tshassetz@kpb.us

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary – Tourism	License Number:	2993
Licensee:	Upper Deck, LLC		
Doing Business As:	The Upper Deck		

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Interim-Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Beverage Dispensary – Tourism License

Form AB-17d: 2020/2021 Renewal License Application

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, Alaska 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Page 55

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing beverage dispensary-tourism liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Upper Deck, LLC	License #:	2993
License Type:	Beverage Dispensary - Tourism		
Doing Business As:	The Upper Deck		
Premises Address:	305 N Willow Street		
Local Governing Body:	City of Kenai (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	P.O. Box 11				
City:	Kenai	State:	Alaska	ZIP:	99611

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:	BOB PETERKIN	Contact Phone:	907.398.1578
Contact Email:	updeckkenai@gmail.com		

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	Laura Peterkin	Contact Phone:	907.398.3021
Contact Email:	updeckkenai@gmail.com		



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	The Upper Deck	License Number:	2993
License Type:	Beverage Dispensary - Tourism		
Examiner:	Came	Transaction #:	1177959

Document	Received	Completed	Notes
AB-17: Renewal Application	11/12	12/12	
App and License Fees	11/12	11/12	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement	11/12	11/12	
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

<u>*tourism</u>	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response: city of kenai

LGB 2 Response: KPB

<input type="checkbox"/> Waive	<input type="checkbox"/> Protest	<input type="checkbox"/> Lapsed	<input type="checkbox"/> Waive	<input type="checkbox"/> Protest	<input type="checkbox"/> Lapsed
--------------------------------	----------------------------------	---------------------------------	--------------------------------	----------------------------------	---------------------------------

**Form AB-17d: 2020/2021 Tourism Renewal License Application****Section 2 – Entity or Community Ownership Information**

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	135439
-----------------------	--------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. You must list **ALL** of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.

Name of Official:	RODNEY A. PETERKEN		
Title(s):	OWNER MEMBER	Phone:	907-398-1578 % Owned: 100
Mailing Address:	42540 KENAI SPUR HWY P.O. Box 11 RP		
City:	KENAI	State:	AK ZIP: 99611

Name of Official:	JAMES N. BUTLER III		
Title(s):	Registered Agent	Phone:	% Owned: 0
Mailing Address:	9125 N. HILL		
City:	KENAI	State:	AK ZIP: 99611

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

**Section 3 – Sole Proprietor Ownership Information**

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

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

Initials

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

RP

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018

2019

The license was regularly operated continuously throughout each year.

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------	-------------------------------------

The license was regularly operated during a specific season each year.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.

**Section 3 – Sole Proprietor Ownership Information**

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:			Contact Phone:		
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:			Contact Phone:		
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

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

Initials

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

KP

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018

2019

The license was regularly operated continuously throughout each year.

☒☒

The license was regularly operated during a specific season each year.

☐☐

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

☐☐

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.

☐☐

**Section 6 – Violations and Convictions****Applicant violations and convictions in calendar years 2018 and 2019:**

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?☐ ☒

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

☐ ☒

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications**Read each line below, and then sign your initials in the box to the right of each statement:**

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

☐

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

☐

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

☐

I am submitting as part of this application a completed copy of the attached Tourism Statement form, for review by the Alcoholic Beverage Control Board.

☐

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Signature of Notary Public

Printed name of licensee

Notary Public in and for the State of

My commission expires:

Subscribed and sworn to before me this

7th

day of November

2019

Seasonal License?

☐☒

If "Yes", write your six-month operating period: _____

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Alaska Alcoholic Beverage Control Board

Tourism Statement

A new, transfer, or renewal application for a beverage dispensary – tourism or restaurant / eating place – tourism license must be accompanied by a written statement that explains how the establishment encourages tourism and meets the requirements listed under AS 04.11.400(d) and 3 AAC 304.325.

This document must be submitted to AMCO's main office before any tourism license application will be reviewed.

Section 1 – Establishment Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Doing Business As:	The Upper Deck	License #:	2993
License Type:	Beverage Dispensary - Tourism		

Section 2 – Tourism Statement

2.1. Explain how issuance of a liquor license at your establishment has/will encourage tourism.

See attached

2.2. Explain how the facility was/will be constructed or improved as required by AS 04.11.400(d)(1):

Facility received remodel in 2019 - part of FAA Granted Airport Rehabilitation Project

2.3 Does the licensee or applicant for this liquor license also operate the tourism facility in which this license is located?

YES

☐

NO

☒

2.4 If "no" who operates the tourism facility?

KENAI MUNICIPAL AIRPORT



Alaska Alcoholic Beverage Control Board Tourism Statement

2.5 Do you offer room rentals to the traveling public?

YES
☐

NO
☒

If "yes" answer the following questions:

How many rooms are available?

How many of the available rooms (if any) have kitchen facilities (defined as: a separate sink for food preparation along with refrigeration and cooking appliance devices, including a microwave)?

Do you stock or plan to stock alcoholic beverages in guest rooms?

YES
☐

NO
☐

If "no" is your facility located within an airport terminal?

YES
☒

NO
☐

2.6 If your establishment includes a dining facility, please describe that facility. If it does not please write "none".

NONE

2.7 If additional amenities are available to your guests through your establishment (eg: guided tours or trips, rental equipment for guests, other activities that attract tourists), please describe them. If they are not offered, please write "none".

NONE

Upper Deck LLC

Beverage Dispensary License Renewal Tourism Statement

The Upper Deck Lounge, located in the Kenai Municipal Airport Terminal, was established in 1990. Our lounge is often the first and last place tourists to our area visit. We do not offer any rooms as we are as previously stated, in the airport terminal; however, we do provide information to our area visitors regarding lodging. Our staff is knowledgeable and often provide travelers information regarding amenities in our area. Our establishment does not provide a dining facility as there is a restaurant located in the terminal. We do provide a limited menu of food available if the restaurant is closed or the visitor is short on time.

The City of Kenai operates the terminal building where the Upper Deck is located. Currently the terminal is in the final stages of a major renovation. The Upper Deck received some improvements including flooring, new PA system for the travelling public, lighting, and a flight board. We hope to continue to serve as the first stop for tourism on the Kenai.

Laura Peterkin manages the Upper Deck and is charge of all operations.

Thank you for your support.

Rodney A. Peterkin

Upper Deck, LLC

AMCO

NOV 12 2019

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS &
PROFESSIONAL LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database
Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	UPPER DECK, LLC

Entity Type: Limited Liability Company

Entity #: 135439

Status: Good Standing

AK Formed Date: 5/25/2011

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: P.O. BOX 11, KENAI, AK 99611

Entity Physical Address: 50622 UMIAT CIR, NIKISKI, AK 99635

Registered Agent

Agent Name: James N Butler III

Registered Mailing Address: 125 N Willow Street, Kenai, AK 99611

Registered Physical Address: 125 N Willow Street, Kenai, AK 99611

Officials

☐ Show Former

AK Entity #	Name	Titles	Owned
	Rodney A. Peterkin	Member	100.00

Filed Documents

Date Filed	Type	Filing	Certificate
5/25/2011	Creation Filing	Click to View	
6/21/2011	Initial Report	Click to View	
1/10/2013	Biennial Report	Click to View	
11/23/2014	Biennial Report	Click to View	
12/28/2016	Biennial Report	Click to View	
7/24/2019	Biennial Report	Click to View	

COPYRIGHT © STATE OF ALASKA · [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT](#) · [EMAIL THE WEBMASTER](#)



Office of the Borough Clerk

Page 66

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

Johni Blankenship, MMC
Borough Clerk

12/20/2019

Sent via email: jheinz@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Upper Deck/ Peterkin
Business Name	:	UPPER DECK, THE
License Type	:	Beverage Dispensary/Tourism
License Location	:	305 N Willow Street, City of Kenai
License No.	:	2993
Application Type	:	License Renewal

Dear Ms. Heinz,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: rola49@yahoo.com; DCooper@kpb.us; SNess@kpb.us



210 Fidalgo Avenue, Kenai, Alaska 99611-7794
Telephone: 907-283-7535 / FAX: 907-283-3014



MEMORANDUM

TO: David Ross, Chief of Police
Willie Anderson, Lands
Terry Eubank, Finance Department
Scott Bloom, Legal Department
Elizabeth Appleby, City Planner
Mike Wesson, Building Official
Jeremy Hamilton, Fire Marshal

FROM: Jacquelyn LaPlante, Deputy City Clerk

DATE: December 20, 2019

RE: **Liquor License Renewal**

The Alcoholic Beverage Control Board has sent notification that the following applicant has applied for renewal of their Liquor License #4878:

Applicant: Walmart, Inc
D/B/A: Walmart Supercenter #4474

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 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.

Please review account(s) maintained by your department (i.e. water and sewer billings, lease/property payment history, citations, etc.) by the above reference applicant. Initial whether account(s) and/or payment plan(s) are current or delinquent. If accounts are delinquent, attach information to this memorandum indicating amounts owed and for which accounts.

Please let me know if you have any questions. Once you have completed your section, please route to the next department. Thanks!

1. **Police Department** DR initials☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.☐ The applicant has outstanding obligations and an additional page has been attached.2. **Finance** JS initials☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.☐ The applicant has outstanding obligations and an additional page has been attached.3. **Legal** SB initials☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.☐ The applicant has outstanding obligations and an additional page has been attached.4. **Lands Management** EA initials☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.☐ The applicant has outstanding obligations and an additional page has been attached.5. **Planning and Zoning** EA initials☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.☐ The applicant has outstanding obligations and an additional page has been attached.6. **Building Official** MW initials☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.☐ The applicant has outstanding obligations and an additional page has been attached.7. **Fire Marshal** JS initials☒ I have reviewed all records for my department and the applicant is current on obligations or obligations do not exist.☐ The applicant has outstanding obligations and an additional page has been attached.

Returned to Clerk's office:

1/16/2020 gL



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Com Page 69
**Community,
and Economic Development**
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 20, 2019

City of Kenai

Kenai Peninsula Borough

Via Email: jblankenship@kpb.us ; Dhenry@kpb.us ; JRodgers@kpb.us ; SNess@kpb.us ;
joanne@borough.kenai.ak.us ; tshassetz@kpb.us ; jheinz@kenai.city

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Package Store	License Number:	4878
Licensee:	Walmart, Inc		
Doing Business As:	Walmart Supercenter #4744		

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2020/2021 Renewal License Application

Alcohol and Marijuana Control Office

550 W 7th Avenue

Anchorage

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Page 70

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Walmart, Inc.	License #:	4878
License Type:	Package Store		
Doing Business As:	Wal-Mart Supercenter #4474		
Premises Address:	10096 Kenai Spur Highway		
Local Governing Body:	City of Kenai (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	702 SW 8 th St.		
City:	Bentonville	State:	AR
ZIP:	72716-0500		

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Contact Licensee:	Dan Rice	Contact Phone:	479-544-7713
Contact Email:	Dan.Rice@walmart.com		

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	Vikki Benavides	Contact Phone:	479 277 0139
Contact Email:	Vikki.Benavides@walmart.com		

**Section 2 – Entity or Community Ownership Information**

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	51180 F
-----------------------	---------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

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

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

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

Walmart

CORPORATE OFFICERS

NAME AND TITLE	BUSINESS ADDRESS
Doug McMillon President & CEO	702 S.W. 8 th Street Bentonville, AR 72716
Matthew Allen Assistant Treasurer	702 S.W. 8 th Street Bentonville, AR 72716
John Scudder Sr. VP and CECO	702 S.W. 8 th Street Bentonville, AR 72716
Daniel Rice Assistant Secretary	702 S.W. 8 th Street Bentonville, AR 72716

The above officers / directors own less than 1% stock of Walmart Inc. a public corporation.

**Section 3 – Sole Proprietor Ownership Information**

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: ☐ applicant ☐ affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: ☐ applicant ☐ affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

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

Initials

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

**Section 5 – License Operation**

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018 2019

The license was regularly operated continuously throughout each year.

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------	-------------------------------------

The license was regularly operated during a specific season each year.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.

**Section 6 – Written Orders**

Written orders in calendar years 2020 and 2021:

Yes No

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2020 and/or 2021?

☐ Yes ☒ No
Section 7 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?
☐ Yes ☒ No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

☐ Yes ☒ No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 8 – Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

☒

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

☒

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

☒

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of



My commission expires:

Subscribed and sworn to before me this

14th

day of

November

2019

Seasonal License?

Yes

No

☐ Yes ☒ No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

January 3, 2020

Sent via email: jheinz@kenai.city

Kenai City Hall
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Wal-Mart Stores, Inc.
Business Name	:	Wal-Mart Supercenter
License Type	:	Package Store
License Location	:	10096 Kenai Spur Hwy, City of Kenai
License No.	:	4878
Application Type	:	License Renewal

Dear Ms. Heinz,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/TS

Encl.

cc: heather.gregory@walmart.com; jheinz@kenai.city; DCooper@kpb.us;
SNess@kpb.us

Item Attachment Documents:

3. ***Ordinance No. 3101-2020** - Accepting and Appropriating a Grant from the Rasmuson Foundation for the Purchase and Installation of Security Cameras at the City's Historical Cabins in Old Town Kenai. (Administration)



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3101-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE RASMUSON FOUNDATION FOR THE PURCHASE AND INSTALLATION OF SECURITY CAMERAS AT THE CITY'S HISTORICAL CABINS IN OLD TOWN KENAI.

WHEREAS, the City of Kenai received a grant in the amount of \$16,800 from the Rasmuson Foundation for the purchase and installation of security cameras at the City's historical cabins in Old Town Kenai; and,

WHEREAS, the grant was requested after repeated instances of vandalism of the historical cabins and after dummy cameras did not deter break-ins; and,

WHEREAS, the Kenai Historical Society manages the cabins and requested security cameras to deter break-ins and vandalism of the cabins; and,

WHEREAS, it is in the best interest of the City of Kenai to appropriate these grant 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 and expend the grant, in the amount of \$16,800, from the Rasmuson Foundation for the purchase and installation of security cameras at the City's historical cabins in Old Town Kenai.

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

General Fund:

Increase Estimated Revenues –	
Other Grants	<u>\$16,800</u>

Increase Appropriations – Park, Recreation & Beautification	
Machinery & Equipment	<u>\$16,800</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 February, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: SB for TEubank

Introduced: January 15, 2020
Enacted: February 5, 2020
Effective: February 5, 2020



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Elizabeth Appleby, City Planner

DATE: December 31, 2019

SUBJECT: **Ordinance 3101-2020 - Accepting and Appropriating a Grant from the Rasmuson Foundation for the Purchase and Installation of Security Cameras at the City's Historical Cabins in Old Town Kenai**

The City of Kenai received a grant in the amount of \$16,800 from the Rasmuson Foundation for the purchase and installation of security cameras at the City's historical cabins in Old Town Kenai. The City applied for the grant after discussion with the Kenai Historical Society.

The historical cabins in Old Town Kenai have been repeatedly burglarized. Dummy cameras have not solved the issue. Real cameras with heaters would allow the City to monitor the cabins and catch potential trespassers. In the past, cabin break-ins have left the doors flung open in winter, causing damage to the structures and the artifacts inside the cabin.

It is expected that the money will be used to install five (5) security cameras with heated enclosures and wireless viewing of the security footage. The City of Kenai in cooperation with the Kenai Historical Society will maintain the security cameras once they are installed. The City has experience using security cameras to monitor crimes with the annual dipnet fishery. Several cameras monitor the beaches every year during the fishery and have been used successfully to deter crime and catch offenders.

If City Council enacts Ordinance 3101-2020, the City would accept the funds from the Rasmuson Foundation and move forward to purchase and install the security cameras.

Thank you for your consideration.



Item Attachment Documents:

- 4. Ordinance No. 3102-2020** - Amending Kenai Municipal Code 14.20.280 Public Hearings and Notifications, to Reduce the Newspaper Posting Requirement.
(Council Member Knackstedt)



Sponsored by: Council Member Knackstedt

CITY OF KENAI

ORDINANCE NO. 3102-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE 14.20.280 PUBLIC HEARINGS AND NOTIFICATIONS, TO REDUCE THE NEWSPAPER POSTING REQUIREMENT.

WHEREAS, identification and execution of strategies that result in efficiencies and cost savings within the departments of the City has been a focus of the administration; and,

WHEREAS, AS 44.62.310, also known as the Alaska Open Meetings Act, states that reasonable public noticing must include the date, time, and place of the meeting; and,

WHEREAS, it is the intent of the City to exceed minimum statutory standards for notice of meetings; and,

WHEREAS, Policy 2016-01 Procedures for Commission, Committees and Council on Aging requires publication 5 days prior to the meeting on the City's website and on the City's bulletin board; and,

WHEREAS, the Kenai City Council enacted Ordinance 3089-2019 on October 16, 2019 to make similar changes to notification requirements for City Council meetings; and,

WHEREAS, amending notification requirements by reducing what is provided in the newspaper notifications and providing alternative resources where additional information can be located is fiscally responsible and will continue to exceed minimum statutory standards; and,

WHEREAS, the change from seven (7) to six (6) days prior to the date of the public hearing for the newspaper posting will not change the current posting date and procedures of City staff, but is a housekeeping change to match City Council's timing; and,

WHEREAS, the City of Kenai Planning and Zoning Commission recommended _____ of Ordinance 3102-2020 at their meeting on January 22, 2020.

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

Section 1. Amendment of Section of the Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.280 – Public hearings and notifications, is hereby amended as follows:

14.20.280
Public hearings and notifications.

(a) Intent. This section governs all public hearings held by the Commission as required by this chapter.

(b) Public Hearing Notice. Notice of the public hearing shall be published [TWICE] in a paper of general circulation within the City[. THE FIRST NOTICE SHALL BE PUBLISHED] not less than [SEVEN (7)] six (6) days prior to the date of hearing. The notice shall contain at least the following information:

- (1) A brief description of the proposal on which the public body is to act;
- (2) A legal and common description of the property involved;
- (3) Date, time, and place of the public hearing;
- (4) Person and place to contact for more detailed information.

(c) Property Owner Notification. Notification shall be mailed to real property owners on record on the borough assessor's records within a three hundred-foot (300') periphery of the parcel affected by the proposed action. This notice shall be mailed not less than ten (10) days prior to the date of hearing. When a public hearing is to be held about a proposed zoning ordinance amendment involving a change in the text or major district boundary changes, no notification of neighboring property owners shall be required, but notices shall be displayed in at least three (3) public places.

(d) Public Posting. The applicant shall post the property subject to the application with public notices as provided by the City at least ten (10) days before the date of the required public hearing. Such notices shall be placed so as to be visible from each improved street adjacent to the property. The applicant is responsible for removing the posted notices within five (5) days after the hearing is completed. Failure to properly post notices shall be grounds for deferral or denial of the application. No one except the applicant, an agent of the applicant, or the City shall remove or tamper with any such required posted notice during the period it is required to be maintained under this subsection.

(e) Proof of Posting. Before the public hearing, the applicant shall submit to the City an affidavit signed by the person who posted the notice stating that the notice was posted as required by this section.

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

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

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: January 15, 2020
Enacted: February 5, 2020
Effective: March 6, 2020



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
 Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

FROM: Henry Knackstedt, Council Member

DATE: January 7, 2020

SUBJECT: **Ordinance 3102-2020 – Amending Kenai Municipal Code 14.20.280, Public Hearings and Notifications**

On October 16, 2019, the Kenai City Council enacted Ordinance 3089-2019 amending advertising requirements for Council meetings. Ordinance 3102-2020 would enact applicable changes to follow this pattern for the Planning and Zoning Commission meetings.

Ordinance 3102-2020 would reduce the newspaper posting requirement from twice to once for Planning and Zoning Commission public hearings. This would provide a cost savings to the City and would still exceed minimum notification requirements of the State of Alaska. The requirements for posting on public bulletin boards, placing a sign on the subject property, and mailing postcards to neighboring property owners would not change. Posting on the City's website is also required pursuant to Policy 2016-01.

Below shows actual expenditures to the newspaper on Planning and Zoning Commission meeting notifications for the past three fiscal years. If this ordinance is adopted, it is anticipated cost savings will be 50%.

Year	Cost
FY19	\$2,543.98
FY18	\$4,826.39
FY17	\$4,321.72
Totals:	\$11,692.09

I recommend the City Council request a recommendation for Ordinance 3102-2020 from the Planning and Zoning Commission at their January 22, 2020 meeting before Ordinance 3102-2020 is on the agenda for enactment at the February 5, 2020 City Council meeting.

Thank you for your consideration.



Item Attachment Documents:

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

PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL
COUNCIL MEETING OF: JANUARY 15, 2020

Page 86

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
	CALCIUM CHLORIDE	STREETS	OPERATING SUPPLIES	

INCREASE OF EXISTING PURCHASE ORDER

VENDOR	DESCRIPTION	P.O. # - DEPT.	REASON	AMOUNT	TOTAL PO AMT
--------	-------------	----------------	--------	--------	--------------



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin – Public Works Director
DATE: January 7, 2020
SUBJECT: Purchase Orders over \$15K

The purpose of this memo is to request approval for a purchase order over \$15K for the purchase of calcium chloride for the City Streets Department. The Streets Department utilizes calcium chloride as dust control on gravel roadways throughout the City. This product is purchased each year by the City.

In cooperation and coordination with the City of Kenai, the Kenai Peninsula Borough issued a formal Invitation to Bid on December 16, 2019 for the joint purchase of calcium chloride with Bids due on January 8, 2020. _____ was found to be the lowest responsive bidder with a bid amount of \$_____.

Funding for this purchase is provided for within the current budget, account information as detailed below:

Account 001 433 2022 General Fund Streets Department Operating & Repair Supplies
Purchase Order to _____ in the amount of \$_____ for the purchase of 80,000lbs of calcium chloride.

Approval of this purchase will allow the Streets Department to continue to provide dust control services as part of normal operations.

Approval of this purchase is respectfully requested, thank you for your consideration.



Item Attachment Documents:

6. **Action/Approval** - Lease Assignment from Kenai Fabric Center, Inc. to SOAR International Ministries, Inc. Located at 105 and 115 North Willow Street.
(Administration)



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Elizabeth Appleby, City Planner

DATE: January 10, 2020

SUBJECT: **Action Approval for Lease Assignment from Kenai Fabric Center, Inc. to SOAR International Ministries, Inc. located at 105 and 115 North Willow Street (Lots 2 and 3, Block 5, G.A.A. Subd. No. 1 Amended)**

On behalf of the Kenai Fabric Center, Inc., Wendy McGahan has submitted a request to the City to assign the Lease of Airport Lands to SOAR International Ministries, Inc. (SOAR). The Kenai Fabric Center leases the properties at 105 and 115 North Willow Street described as Lots 2 and 3, Block 5, General Aviation Apron Subdivision No. 1 Amended. Both parcels are listed on one lease. A map of the parcels is attached to this memorandum.

The lease was assigned to the Kenai Fabric Center in 2004. The original lease dates back to 1976. The stated use on the lease is, "commercial business establishment and aviation services as per General Aviation Apron Subdivision covenants". The lease term extends through June of 2031. Since 2015, the annual lease rate has been \$6,211.52. The lease rate will be redetermined in 2020 and the parcels are part of the group being appraised by a City contractor in order to set new lease rates.

The Kenai Fabric Center is in compliance with the terms of the existing lease. SOAR recently assigned their three leases to Schilling Rentals, LLC. SOAR has an application approved by City Council to lease another City lot and is working to complete the subdivision of the parcel prior to the signing of the lease.

The assignment will not constitute approval for a change in use. After assignment of the existing lease, SOAR could request City Council consideration for a use change, such as amending the lease purpose to be for an aircraft hangar and parking. At that time, it is recommended the City and SOAR discuss a replat of the two existing lots into one lot as the property line currently runs through the existing structure covering both lots. City Administration recommends assigning the lease lots as they are currently platted.



The Airport Commission reviewed the application at their meeting on January 9, 2020, and recommended City Council approve the lease assignment. If City Council approves, City Administration would execute the assignment of the leases from the Kenai Fabric Center to SOAR. City Administration has no objection to the lease assignment. Thank you for your consideration.



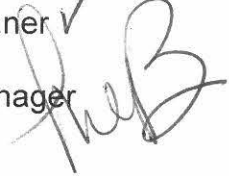
"Serving the Greater Kenai Peninsula"

305 N. WILLOW ST. SUITE 200 KENAI, ALASKA 99611

TELEPHONE 907-283-7951

FAX 907-283-3737

Memo

To: Elizabeth Appleby – City Planner ✓
From: Mary Bondurant – Airport Manager 
Date: January 10, 2020
Subject: ***Recommendation – Lease Assignment from Kenai Fabric, Inc.
To SOAR International Ministries, Inc. (Lots 2 and 3, Block 5,
G.A.A. Subdivision No. 1 Amended)***

At the January 9, 2019 meeting, the Airport Commission reviewed the proposed Lease Assignment Application from Kenai Fabric Center, Inc. to SOAR International Ministries, Inc., and unanimously recommends Council approve the assignment of lease.

If you have any questions, please contact me.

CITY OF KENAI
CONSENT TO ASSIGNMENT

The Assignment of that certain Lease of Airport Lands entered into on November 16, 1983, and recorded in Book 225 at Page 376 - 394, on December 12, 1983 between the City of Kenai and Milton J. or Geneva E. Stasek, in the Kenai Recording District, and amended and assigned on June 12, 2006 between the City of Kenai and the Kenai Fabric Center, Inc., recorded at 2006-005802-0 in the Kenai Recording District on June 2, 1976, and recorded in Book 97, Page 485, Kenai Recording District, from KENAI FABRIC CENTER, INC. whose address is 115 N. Willow St., Kenai, AK 99611, to SOAR INTERNATIONAL MINISTRIES, INC, whose address is P.O. Box 1714, Kenai, AK 99611, covering the following-described property:

Lots 2 and 3, Block 5, GENERAL AVIATION APRON SUBDIVISION NO. 1,
AMENDED, Section 32 Township 6 North, Range 11 West, Seward Meridian, as
filed in the Kenai Recording District, Third Judicial District, State of Alaska,

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

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

Dated this ____ day of _____, 2020.

Paul Ostrander
City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2020, Paul Ostrander, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

Notary Public for Alaska
My Commission Expires: _____

Approved as to form:

Scott Bloom, City Attorney

After Recording, Return to:

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611



City of Kenai Land Lease Application

Application for: ☐ New Lease
☐ Amendment ☐ Extension
☒ Assignment ☐ Renewal

Application Date: _____

Applicant Information

Name of Applicant: <u>KENAI FABRIC CTR</u>				
Mailing Address: <u>115 N. WILLOW</u>		City: <u>KENAI</u>	State: <u>AK</u>	Zip Code: <u>99611</u>
Phone Number(s): Home Phone: <u>907-283-3256</u> ^{394-2346 Cell}		Work/ Message Phone: <u>907-283-4595</u>		
E-mail: (Optional) <u>KFC@acsalaska.net</u> <u>398-7354 Jackie</u>				
Name to Appear on Lease: <u>SOAR INTERNATIONAL MINISTRIES</u>				
Mailing Address: <u>BOX 1714</u>		City: <u>KENAI</u>	State: <u>AK</u>	Zip Code: <u>99611</u>
Phone Number(s): Home Phone: <u>252-1841</u>		Work/ Message Phone: <u>907-283-1961</u>		
E-mail: (Optional) <u>RICHARD PAGE@SOARINTERNATIONAL.ORG</u>				
Type of Applicant: <input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____				

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):

LOTS 2 & 3, BLOCK 5 GENERAL AVIATION APRON

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

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

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

Initials SM

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

Initials SM

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

Initials SM

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

1. Legal or brief description of property leased:

See above legal description

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

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

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

Requested Starting Date:

RECEIVED
CITY OF KENAI
 DATE 12/9/19
PLANNING DEPARTMENT

Proposed Use and Improvements

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

Do you plan to construct new or additional improvements? (if Yes, answer next five questions)

☒ YES ☐ NO

1. Will the improvement change or alter the use under an existing lease?

☐ YES ☒ NO

2. What is the proposed use of the improvement? AIRCRAFT PARKING AND STORAGE, MAINTENANCE

3. What is the estimated value of the improvement? \$500,000

4. What is the nature and type of improvement? HANGAR AND PAVING

5. What are the dates construction is estimated to commence and be completed?

(generally, construction must be completed within two years)

Estimated Start Date: JUNE 2020

Estimated Completion Date: JUNE 2021

Describe the proposed business or activity intended:

AVIATION ACTIVITY

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

INCREASES ACTIVITY AT THE KENAI AIRPORT

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

SOAR INTERNATIONAL MINISTRIES

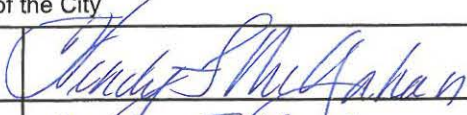
Lease Renewal Only

☐ Renewal of an Existing Lease (at least one year of term remaining): Requires new development.Lease Term based on: Estimated cost of new improvements and ☐ Purchase Price (optional)☐ Renewal of an Expiring Lease (less than one year of term remaining): Does not require new development.Lease Term based on: ☐ Purchase Price ☐ Professional Estimate of Remaining Useful Life☐ Fair Market Value appraisal and/or ☐ Estimated cost of new improvements (optional)

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

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

Signature:



Date: 12/9/19

Print Name:

WENDY F. MCGAHAN

Title: President

For City Use Only:

☐ General Fund☐ Airport Reserve Land☐ Airport Fund☐ Outside Airport Reserve

Account Number:

Date Application Fee Received:

Date Application Determined Complete:

30-Day Notice Publication Date:

City Council Action/Resolution:



**Assignment of Lease
from Kenai Fabric Center, Inc.
to SOAR International Ministries, Inc.**

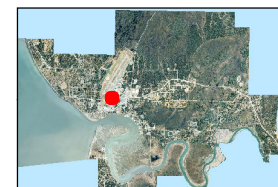
**Parcel No:
04324016
04324017**

**Lots 2 and 3, Block 5,
General Aviation Apron**

50'



1 inch equals 67 feet



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

Date: 12/30/2019

Item Attachment Documents:


7. **Action/Approval** - Mayoral Nominations for Appointments to the Beautification Committee and Harbor Commission. (Mayor Gabriel)



"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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH:
FROM:  Jamie Heinz, City Clerk
DATE: January 9, 2020
SUBJECT: Beautification Committee and Harbor Commission Appointments

During the annual application period for Commissions and Committees, an oversight was made on the term ending date for a Beautification Committee member. In addition, Gary Greenberg did not apply for reappointment on the Harbor Commission and there is a vacancy that needs to be filled.

Kaye Reed has submitted an application expressing interest for reappointment on the Beautification Committee, and Branden Bornemann has submitted an application expressing interest in filling the vacancy on the Harbor Commission. Both terms expire December 2022. Mayor Gabriel has requested these applicants be added to the meeting agenda for his nomination and consideration of Council's confirmation.

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

Your consideration is appreciated.



From: Kaye Reed via Kenai, Alaska <webmaster@kenai.city>
Sent: Friday, December 20, 2019 5:06 PM
To: City Clerk
Subject: Form submission from: Commission/Committee Application

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

Submitted on Friday, December 20, 2019 - 5:05pm Submitted by anonymous user: 24.237.56.181 Submitted values are:

Date: Fri, 12/20/2019

Name: Kaye Reed

Resident of City of Kenai? Yes

If resident, how long? Since August 2017 Residence Address: 429 Rogers Rd Mailing Address: 429 Rogers Rd.

Home Telephone: 9073954080

Home Fax:

Business Telephone:

Business Fax:

Email address: denverflowerlady@yahoo.com May we include your contact information on our website? Yes If not all, what may we include?

Employer: retired

Job Title: Operations Supervisor Denver Natural Areas Name of Spouse:

Current Membership Organization: Kenai Bird Club Past organizational memberships: Kenai Lions Club Committees or commissions in which you are interested: Beautification & Mini-Grant Why do you want to be involved with this commission or committee? I have served 2 years on both committees. As a person who has dealt with landscaping her whole career, I feel I have knowledge worth sharing. As for the Mini-Grant, I feel this helps me be a contributing member of the community to the City and citizens of Kenai.

What background, experience, or credentials do you possess to bring the board, commission, or committee membership? Beautification 40 years landscape work, Assoc. of Applied Science in Urban Horticulture, 20 years working for City of Denver, another 20 being self employed or working private landscaping and work at Denver's landmark Elitch Gardens

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/372>

From: Branden Bornemann via Kenai, Alaska <webmaster@kenai.city>
Sent: Thursday, November 7, 2019 10:01 AM
To: City Clerk
Subject: Form submission from: Commission/Committee Application

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

Submitted on Thursday, November 7, 2019 - 10:00am Submitted by anonymous user: 209.112.190.216 Submitted values are:

Date: Thu, 11/07/2019

Name: Branden Bornemann

Resident of City of Kenai? Yes

If resident, how long? 7.5 years

Residence Address: 403 McCollum Drive

Mailing Address: 403 McCollum Drive

Home Telephone: 907-953-2605

Home Fax:

Business Telephone:

Business Fax:

Email address: branden@kenaiwatershed.org May we include your contact information on our website? Yes If not all, what may we include?

Employer: Kenai Watershed Forum

Job Title: Executive Director

Name of Spouse:

Current Membership Organization: KRSMA State Park Advisory Board, KDLL Public Radio board member, Kenai Peninsula Fish Habitat Partnership Past organizational memberships: Tustumena 200, Kenai Peninsula Trout Unlimited Committees or commissions in which you are interested: Planning and Zoning Why do you want to be involved with this commission or committee?

I feel that as a resident of Kenai for the past 7.5 years I've accumulated a great deal of knowledge about the City and its activities both personally and professionally. I am ready to seek a more active and meaningful role with my volunteerism and the City of Kenai means a great deal to me, along with protecting and celebrating the City's cultural and natural resources, I truly hope to engage and represent the City on sustainable decisions through the Planning and Zoning Commission. I have no intention of leaving this community in the future and would enjoy the opportunity to assist the City of Kenai in making our future as bright as possible. I believe an opportunity to utilize my skillset on the Planning and Zoning Commission is an excellent way to participate in local government and to contribute to the improvement and future development of the community I call home.

Thank you for your consideration of my application.

What background, experience, or credentials do you possess to bring the board, commission, or committee membership?

I've worked in the central Kenai Peninsula since 2011 and have served on a number of volunteer boards and committees and have a great track record of actively and respectfully participating in these various roles. This speaks to my willingness and flexibility to give my time to community efforts in the past, currently and into the future. I have served on multiple boards and for many organizations that have prepared me for a wide-variety of issues this commission works on. My professional life revolves around water, habitat, fish and building and maintaining partnerships, and I would come to this commission with an advanced understanding of complex issues facing the Kenai River, the City of

Kenai and our valued cultural and natural resources. I have a Masters in Environmental Management (2009) worked on various planning and zoning issues through the KRSMA Board (2015-present), both of which have a good foundation from which to build my knowledge on this type of work . Finally, from 2007-2009 I served on the City of Grand Forks (North Dakota) Resource Committee as an advisory member of the Transportation and Land-Use Committee, which included similar work to that of the City of Kenai Planning and Zoning Commission.

Thank you for your consideration of my application.

The results of this submission may be viewed at:
<https://www.kenai.city/node/2601/submission/314>

Item Attachment Documents:

- 8. Discussion/Action** - Remote Seller Sales Tax Implementation. (Legal)

Memo: Entity-based and Individual Exemptions
To: Alaska Municipal League
From: TTR
Date: 12/30/19

Subject: Simplifying Municipal Sales Tax Exemptions

TTR and MUNIRevs are working with the Alaska Municipal League to simplify collection of sales taxes on remote sales into Alaska member jurisdictions.

Many cities in Alaska have exemptions for sales to specific entities (such as church, non-profit, or government) or individuals (such as seniors) or exemptions for specific types of products being purchased. In this memo, we will call specific entities and individuals “buyers.”

To claim an exemption, buyers typically fill out an exemption certificate or provide some other proof of exemption. Cities and boroughs (municipal governments) are responsible for designating the kind of certificate or documentation buyers in their community have to provide.

In some cases, buyers hand over or show exemption documentation to vendors to get an exemption. Exemption documentation typically works well for sales in the local area. Exemption documentation can get challenging when applied to online or remote purchases.

TTR and MUNIRevs are working together with the Alaska Municipal League to simplify the sales tax exemption process.

What is the normal exemption process?

The normal exemption process involves buyers filling out and providing exemption certificates or exemption documentation to each vendor they purchase from.

With a copy of the certificate or documentation on file, vendors exempt sales to the buyer in whole or in part, according to type of exemption claimed. For example, a product-based exemption may only apply to “fish,” where an entity-based exemption may apply to “churches.”

Vendors are required to store and provide exemption certificates proving which sales are tax-exempt under audit. To help collect, store, and update these documents, vendors typically use some sort of exemption certificate management system.

It varies from state to state, but typically buyers are required to re-create their exemption certificate for each vendor they purchase from. Each vendor stores its copy.

Simplifying the exemption process

TTR is making the exemption process simpler for buyers by preparing the **Exemption Certificate Registry (ECR)** for use in remote sales into Alaska Municipal League member jurisdictions.

ECR is an online system that buyers can access from any internet browser. ECR provides buyers with tools to find, create, and store exemption certificates for future use. An exemption certificate created through ECR can be reused from vendor to vendor.

Once a buyer's exemption certificates are set up in ECR, these certificates can be provided to vendors in various ways. From ECR, certificates can be emailed, downloaded, uploaded, printed, or even sent directly to vendors' exemption certificate management systems.

Vendors are still responsible for storing exemption certificates received through ECR.

ECR works for churches, governments, non-profits, wholesalers, contractors, seniors, and any other buyer that qualifies for an exemption in Alaska Municipal League member jurisdictions.

For easy access, TTR suggests placing a link to ECR on the appropriate web pages of the Alaska Municipal League.

How does ECR work?

First, TTR works with Alaska Municipal League and member jurisdictions to ensure all exemption certificates and exemption documentation needs are prepared, verified, and maintained within ECR. Then:

- Buyers create user accounts on ECR
- Buyers fill in general information typically used in exemption certificates
- Buyers fill in additional information needed for specific exemption certificates or exemption documentation needed for purchases
- Buyers use ECR functions to send pre-filled exemption certificates or exemption documentation to vendors. For each new vendor, all the buyer has to do is select the appropriate certificate or documentation and add relevant vendor information

Examples of ECR use

Example #1. Individual in a member city wants to claim a senior exemption on a purchase from a Remote Seller:

- City requires an ID showing birthday and a statement confirming 2 years residency
- Individual registers with ECR, uploads a scan or picture of their ID card, confirms birthdate, and clicks a button confirming they have residency in the city for the last two years
- Individual goes to Amazon to make a purchase
- Individual goes through the usual process on Amazon to set up an individual tax exemption
- At the appropriate point, Individual opens their ECR account and downloads exemption certificate or documentation from ECR and uploads to the Amazon website
- Having provided exemption certificate or documentation to Amazon, Individual's purchase is made exempt from tax

Example #2. Contractor in a member city makes regular purchases of exempt lumber and taxable equipment for construction from five different Remote Sellers:

- City requires an exemption certificate to be filled out for exempt lumber including business tax identification number, name, date, and address
- Contractor registers with ECR, fills in all necessary information as per city requirements, from ECR is able to fill in Remote Seller information, and sends certificates directly to all five Remote Sellers
- Having received valid and up-to-date exemption certificate from contractor, Remote Seller bills Contractor with tax only on taxable equipment portion of sale

What is expected of member municipal governments?

Member municipal governments will review and provide up-to-date information about sales tax exemptions in their sales tax codes.

Member municipal governments will work with Alaska Municipal League and TTR to ensure municipal exemptions are correctly represented in the ECR system and are kept up to date.

Where a member municipal government does not already have a refund or rebate system in place, a refund or rebate system will need to be established. Below are some guidelines to assist:

- Refund or rebate requests typically come about when buyers make a purchase and they did not know or were not prepared to claim an exemption
- Buyers who find out later that they were exempt often want to get their tax money back, so they get the appropriate form or documentation and then contact the vendor or the municipal government
- While municipal governments prefer exemption certificates to be filled in ahead of or at the time of purchase, their laws often allow buyers to claim refunds within a certain amount of time of an audit (typically 120 days)
- Make it simple up front to know about and account for exemptions at time of purchase (greatly assisted by implementation of ECR and taxability matrixes to be provided by TTR)
- Make the refund process simple—be clear about what documentation is needed for an exemption or refund

TTR is looking forward to working with the Alaska Municipal League member jurisdictions.

Please feel free to reach out to TTR or the Alaska Municipal League with any questions or concerns.

Brian Smith | Leader Government Relations
 Direct: (971) 901-4020
 TTR, Inc. – Get Tax Right
 3850 NE Three Mile Lane McMinnville, OR 97128-9402

Remote Sales Tax Collection in Alaska Benefits Alaska

January 2020

Benefits to Local Governments

- Maintain taxing authority
- Maintain rate and exemptions
- Delegated administration to AML avoids additional or duplicative costs
- Entirely up to local government
 - Opt-in = you take advantage of Wayfair
 - Opt-out = residents don't pay sales tax
- Levels the playing field for local business – increases local economic activity
- Increased revenue for education, public safety, roads and public works
- Increases ability to respond to State cost-shifting or cuts
- Replaces revenue eroded with decrease to Community Assistance over the years

Benefits to Business

- Levels the playing field – increases local purchase potential by ensuring that local retailers aren't penalized for collecting a tax they are required to, while remote retailers have an unfair advantage in not
- These aren't new taxes – these are taxes that local residents are already paying, collected by local businesses, but not collected by remote retailers
- Keeps tax rates stable – instead of increasing taxes, applying the existing tax to remote sellers ensures that local tax rates stay stable
- Maintains current local exemptions – necessary for local control
- Local revenues improve communities – enables greater investment in local infrastructure, which supports economic activity
- On par with other states – businesses across the U.S. are complying, so Alaska is expecting similar compliance by those businesses that make sales into or within Alaska
 - This is very quickly become common practice
- Strengthens local governments – greater capacity within local governments leads to greater efficiencies
- Local taxpayers, local budgets – residents help shape annual budgets, informed by economic development

Benefits to Alaskans

- Protects residents outside boundaries – right now Alaska hasn't set up any rules of the road when it comes to remote commerce, and without a tax look up map Alaska residents may be getting taxed where they aren't supposed to
- Consistent with activities in majority of U.S. – this puts Alaska on track with the activities of other states that are benefiting from this opportunity.
- Simplifies exemptions – single point of entry and delivery for exemption certificates

Remote Sales Tax Collection: FAQ for Local Governments

January 2020

Intergovernmental Agreement

- Commits the local government to participate in the Commission
- Agrees to delegate to the Commission collection of remote sales tax
- Agrees to AML administration
- Action – pass a resolution authorizing signature to the Agreement

Alaska Remote Seller Sales Tax Commission

- Local government appoints a representative
- Annual meeting and notice of all meetings
- Governed by Bylaws
- Board of seven
 - Oversees administration
 - Approves annual budget
 - Development of the Remote Sales Tax Code

Alaska Remote Seller Sales Tax Code

- Applies the local jurisdiction's tax rate, cap and exemptions to remote sales
 - Out of state sales – if the retailer does not have a physical presence in Alaska, they are expected to comply. The Commission anticipates that this applies to between 2,500 and 3,500 retailers.
 - In-state sales – if the retailer sells into your community, collection of sales tax is expected
- Standardizes compliance – reporting, penalties, audits, late filing rules, etc.
- Criteria Threshold (otherwise known as economic nexus)
 - \$100,000 in statewide, annual gross sales; and/or
 - 200 transactions annually, in Alaska
- Hold Harmless provision
 - All retailers who use the Commission's software aren't liable for inaccurate information contained therein
- Remote vs. Physical
 - If the retailer has only a physical presence, remit to the local government
 - If the retailer has a physical presence but also remote sales, continue remitting local taxes to the local government and remote taxes to the Commission
 - If the retailer is a marketplace facilitator, remit to the Commission
 - If the retailer is a marketplace facilitator that provides services (i.e., lodging), remit to the local government
- Late filings
 - Late filing fee is paid to the Commission for administrative action
 - Interest owed on taxes collected accrues to the local government
 - Penalty of 5% a month accrues to the local government
- Common definitions

When does this take effect?

- The Commission has developed software that will be ready as of January 31, 2020. Upon adoption of the Remote Sales Tax Code by a local government, retailers will be notified that they should begin collection, and have 30 days to comply. As additional local governments adopt the Code, compliance will occur on a rolling basis. Assuming that the first local government adopts the Code in late January, early February, the Commission expects reporting and remittance as soon as March/April.

What about:

- Seasonal tax rate – the software will include reference applicable rate changes throughout the year, as long as there is 30 days' notice. You will need to notify the Commission of seasonal tax rates, and the Commission will need the exact dates on an annual basis. Any tax holiday that occurs throughout the year should be noticed appropriately.
- All of our product exemptions – the Commission has established a tax variability matrix that tracks all product exemptions from all taxing jurisdictions. The exemption happens automatically within the API adopted by remote retailers or accessed via the website provided by the Commission. The Commission has adopted a common set of definitions that will assist in compliance.
- Entity-based exemptions
 - Apply to:
 - Senior exemptions – based on each local government's definition of "senior", when they apply. If applicable only to certain sales, the software will accommodate that variation.
 - Goods for wholesale - – these entities should be using their State of Alaska wholesale license in their purchase, which vendors they purchase from should recognize and apply tax-free status. Wholesale purchases will count toward establishing the criteria threshold for vendors selling into the state, even though taxes will not be collected. Sales and value of exemption will be reportable.
 - Churches, nonprofits, and governments - Churches, nonprofits, and governments – these are recognized entities that are tax-free, and vendors are expected to comply with federal law on tax-free sales to these entities. Sales and value of exemption will be reportable.
 - Process:
 - Development of an Exemption Certificate Registry (ECR)
 - ECR is an online system that buyers can access from any internet browser. ECR provides buyers with tools to find, create, and store exemption certificates for future use. An exemption certificate created through ECR can be reused from vendor to vendor.
 - Once a buyer's exemption certificates are set up in ECR, these certificates can be provided to vendors in various ways. From ECR, certificates can be emailed, downloaded, uploaded, printed, or even sent directly to vendors' exemption certificate management systems.
 - Vendors are still responsible for storing exemption certificates received through ECR.
 - Buyer's responsibility - It will be up to the buyer to upload their information, including locally produced certificate, if any, into their account on the ECR. Within the ECR, the buyer will direct that information to vendors. The buyer will go through the retailer's established process to set up an individual tax exemption within their account, including to download from the ECR the correct documentation for that retailer.

- Any inaccurate sales tax collection should be taken up first with the vendor, then brought to the Commission's attention in case of a refund being necessary.
- Monthly filing – the default filing is monthly, consistent with national trends and best practice. Vendors will have the option to file quarterly but this must be approved by the Commission.
- Quarterly filing – notify the Commission if you would like reporting and remittance to occur on a quarterly basis. The Commission will hold any remittance occurring more frequently in trust for that distribution.
- Deliveries to post office boxes within our jurisdiction – these will be treated as taxable, based on the point of delivery
- Deliveries to addresses right outside our jurisdiction – the Commission has GIS-located all addresses in Alaska, such that these types of deliveries should not be taxable, and that all taxed sales are accurate. The software contractor has verified that boundary maps with the State DCRA, and each local government should notify the Commission upon adopting the Code of any discrepancies.

Changes to current code:

- Necessary - Exemption for remote sales will need to be removed, if applicable
- Optional – update your reporting requirements, definitions, etc. based on the remote sales tax code

What happens when the local government adopts the Code?

- Local government notifies the Commission by contacting Nils Andreassen at nils@akml.org
- The Program Manager will follow up, requesting that you complete a simple form that confirms rates, exemptions, sales tax boundaries, any changes to existing code, remittance preference, etc.
- The Program Manager will ask the local government to confirm all the settings in the software as accurate
- Upon receipt of the registration form, and confirmation that settings are correct, the Commission will notify remote sellers that they will need to comply within 30 days
- The Commission will send the local government representative log-in information for the Alaska Sales Tax Portal, where they can see all returns, and the calculations that go into remittance
- On a monthly or quarterly basis, and within 10 days of the last day of the month, the Commission will remit collected taxes to the local government
- The local government will confirm receipt and accuracy of the filing and remittance
- The local government should review filings, flag any they have questions about, and send the Program Manager questioned filings
- The Program Manager will review questioned filings and upon receipt of more than three of the same vendor, request an audit of their transactions for the applicable jurisdictions
- Amended filings, or refunds necessary, will be accounted for on a rolling basis

ADDENDUM A
REMOTE SELLER SALES TAX CODE & COMMON DEFINITIONS

WHEREAS, the inability to effectively collect sales tax on sales of property, products or services transferred or delivered into Alaska is seriously eroding the sales tax base of communities, causing revenue losses and imminent harm to residents through the loss of critical funding for local public services and infrastructure; and

WHEREAS, the harm from the loss of revenue is especially serious in Alaska because the State has no income tax, and sales tax revenues are one of the primary sources of funding for services provided by local governments; and

WHEREAS, the failure to collect sales tax on remote sales creates market distortions by creating an unfair tax advantage for businesses that limit their physical presence in the taxing jurisdictions but still sell goods and services to consumers, which becomes easier and more prevalent as technology advances; and

WHEREAS, the failure to tax remote sales results in the creation of incentives for businesses to avoid a physical presence in the state and its respective communities, resulting in fewer jobs and increasing the share of taxes to those consumers who buy from competitors with a physical presence in the state and its cities; and

WHEREAS, the structural advantages for remote sellers, including the absence of point-of-sale tax collection, along with the general growth of online retail, make clear that erosion of the sales tax base is and has been occurring; and

WHEREAS, remote sellers who make a substantial number of deliveries into or have large gross revenues from Alaska benefit extensively from the Alaska market, affecting the economy as well as burdening local infrastructure and services; and

WHEREAS, delivery of goods and services into local municipalities rely on and burden local transportation systems, emergency and police services, waste disposal, utilities and other infrastructure and services; and,

WHEREAS, given modern computing and software options, it is neither unusually difficult nor burdensome for remote sellers to collect and remit sales taxes associated with sales into Alaska taxing jurisdictions; and

WHEREAS, due to a recent decision by the United States Supreme Court and the lack of a state sales tax it is appropriate for the municipalities to collectively amend their sales tax codes to account for remote sellers who do not have a physical presence either in the State of Alaska or in a specific taxing jurisdiction, but do have a taxable connection with the State of Alaska or taxing jurisdiction; and

WHEREAS, this ordinance is not retroactive in its application; and

WHEREAS, this ordinance provides a safe harbor to those who transact limited sales in Alaska; and

WHEREAS, amending local sales tax codes reflects the 2018 Supreme Court “*Wayfair*” decision to allow for the application of the taxing jurisdiction’s sales tax code requirements to sellers without a physical presence in the State of Alaska or taxing jurisdiction; and

WHEREAS, the intent is to levy municipal sales tax to the maximum limit of federal and state constitutional doctrines; and

WHEREAS, the [insert name of municipality] has entered into a cooperative agreement with other local governments called the Alaska Intergovernmental Remote Seller Sales Tax Agreement (“the Agreement”); and

WHEREAS, the terms of the Agreement require adoption of certain uniform provisions for collection and remittance of municipal sales tax applicable to sales made by remote sellers similar to the Streamlined Sales and Use Tax Agreement.

NOW, THEREFORE, it is enacted as follows:

Chapter __ of the [fill in name] Code of Ordinances is hereby amended by adopting a new Chapter __ to read as follows:

Sales Made by Remote Sellers: The Alaska Remote Sellers Sales Tax Code is an ordinance prepared by the Alaska Remote Seller Sales Tax Commission and hereby adopted by reference.

ALASKA REMOTE SELLER SALES TAX CODE

XX.XX.010 – Interpretation.

- A. In order to prevent evasion of the sales taxes and to aid in its administration, it is presumed that all sales and services by a person or entity engaging in business are subject to the sales tax.
- B. The application of the tax levied under this Code shall be broadly construed and shall favor inclusion rather than exclusion.
- C. Exemptions from the tax levied under this Code or from the taxing jurisdiction shall be narrowly construed against the claimant and allowed only when such exemption clearly falls within an exemption defined in this Code or the taxing jurisdiction's Code.
- D. The scope of this Code shall apply to remote sellers or marketplace facilitators, delivering products or services to Member municipalities adopting this Code, within the state of Alaska.

XX.XX.020 – Title to Collected Sales Tax

Upon collection by the remote seller or marketplace facilitator, title to collected sales tax vests in the Commission for remittance to the taxing jurisdiction. The remote seller or marketplace facilitator remits collected sales tax to the Commission on behalf of the taxing jurisdiction, from whom that power is delegated, in trust for the taxing jurisdiction and is accountable to the Commission and taxing jurisdiction.

XX.XX.030 – Imposition – Rate

- A. To the fullest extent permitted by law, a sales tax is levied and assessed on all remote sales where delivery is made within the local taxing jurisdiction(s) that is a Member, within the state of Alaska.
- B. The applicable tax shall be added to the sales price.
- C. The tax rate added to the sale price shall be the tax rate for the taxing jurisdiction(s) where the property or product is sold, or service that was rendered is received, and based on the date the property or product was sold or the date the service rendered was received.
- D. An Address and Tax Rate Database will be made available to remote sellers and marketplace facilitators, indicating the appropriate tax rate to be applied.
- E. The tax assessed shall be consistent with relevant jurisdictional tax caps, single unit sales, and exemptions.
- F. When a sale is made on an installment basis, the applicable sales tax shall be collected at each payment, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered, based on the local jurisdictions' Code(s).
- G. When a sales transaction involves placement of a single order with multiple deliveries made at different points in time that are separately invoiced, the applicable sales tax shall be collected on each separately invoiced delivery, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered.

XX.XX.040. – Obligation to Collect Tax - Threshold Criteria

- A. Any remote seller or marketplace facilitator must collect and remit sales tax in compliance

with all applicable procedures and requirements of law, provided the remote seller or marketplace facilitator has met one of the following Threshold Criteria (“Threshold Criteria”) in the previous calendar year:

1. The remote seller’s statewide gross sales, including the seller’s marketplace facilitator’s statewide gross sales, from the sale(s) of property, products or services delivered into the state meets or exceeds one hundred thousand dollars (\$100,000); or
 2. The remote seller, including the seller’s marketplace facilitator, sold property, products, or services delivered into the state in two hundred (200) or more separate transactions.
- B. For purposes of determining whether the Threshold Criteria are met, remote sellers or marketplace facilitators shall include all gross sales, from all sales of goods, property, products, or services rendered within the state of Alaska.

XX.XX.050. – No Retroactive Application

The obligations to collect and remit sales tax required by this chapter are applicable at the effective date of the ordinance adopting the Alaska Remote Seller Sales Tax Code.

XX.XX.060 – Payment and Collection

Pursuant to this Code, taxes imposed shall be due and paid by the buyer to the remote seller or marketplace facilitator at the time of the sale of property or product or date service is rendered, or with respect to credit transactions, at the time of collection. It shall be the duty of each remote seller or marketplace facilitator to collect the taxes from the buyer and to hold those taxes in trust for the taxing authority of the taxing jurisdiction. Failure by the remote seller or marketplace facilitator to collect the tax shall not affect the remote seller’s, or marketplace facilitator’s, responsibility for payment to the Commission.

XX.XX.070 – Remote Seller and Marketplace Facilitator Registration Requirement

- A. If a remote seller’s gross statewide sales within the last calendar year meets or exceeds the Threshold Criteria, the remote seller shall register with the Commission. If a marketplace facilitator’s gross statewide sales within the last calendar year meets or exceeds the Threshold Criteria, the marketplace facilitator shall register with the Commission.
- B. A remote seller or marketplace facilitator meeting the Threshold Criteria shall apply for a certificate of sales tax registration within thirty (30) calendar days of the effective date of this Code or within thirty (30) calendar days of meeting the Threshold Criteria whichever occurs second. Registration shall be to the Commission on forms prescribed by the Commission.
- C. An extension may be applied for and granted based on criteria established by the Commission, based on evidence produced to describe time necessary to update software or other technical needs, not to exceed ninety (90) days.
- D. Upon receipt of a properly executed application, the Commission shall confirm registration, stating the legal name of the remote seller or marketplace facilitator, the primary address, and the primary sales tax contact name and corresponding title. The failure of the Commission to confirm registration does not relieve the remote seller or marketplace facilitator of its duty to collect and remit sales tax.

- E. Each business entity shall have a sales tax registration under the advertised name.
- F. The sales tax certificate is non-assignable and non-transferable.

XX.XX.80.-Tax Filing Schedule

- A. All remote sellers or marketplace facilitators subject to this Code shall file a return on a form or in a format prescribed by the Commission and shall pay the tax due.
- B. Filing of sales tax returns are due monthly; quarterly filing is optional upon application and approval by the Commission, consistent with the code of the local jurisdiction.
- C. A remote seller or marketplace facilitator who has filed a sales tax return will be presumed to be making sales in successive periods unless the remote seller or marketplace facilitator files a return showing a termination or sale of the business in accordance with this Code.
- D. The completed and executed return, together with the remittance in full for the tax due, shall be transmitted to and must be received by the Commission on or before midnight Alaska Standard Time on the due date. Monthly returns are due the last day of the immediate subsequent month. Quarterly returns are due as follows:

Quarter 1 (January – March)	April 30
Quarter 2 (April – June)	July 31
Quarter 3 (July – September)	October 31
Quarter 4 (October – December)	January 31
- E. If the last day of the month following the end of the filing period falls on a Saturday, Sunday, federal holiday or Alaska state holiday, the due date will be extended until the next business day immediately following.
- F. Any remote seller or marketplace facilitator holding a remote seller registration shall file a sales tax return even though no tax may be due. This return shall show why no tax is due. If the remote seller or marketplace facilitator intends to continue doing business a return shall be filed reflecting no sales and a confirmation of the intent to continue doing business and shall continue to do so each filing period until the entity ceases doing business or sells the business. If the remote seller or marketplace facilitator intends to cease doing business, a final return shall be filed along with a statement of business closure.
- G. The remote seller or marketplace facilitator shall prepare the return and remit sales tax to the Commission on the same basis, cash or accrual, which the remote seller or marketplace facilitator uses in preparing its federal income tax return. The remote seller or marketplace facilitator shall sign the return, and transmit the return, with the amount of sales tax and any applicable penalty, interest or fees that it shows to be due, to the Commission.
- H. Remote sellers and marketplace facilitators failing to comply with the provisions of this Code shall, if required by the Commission and if quarterly filing has been chosen, file and transmit collected sales taxes more frequently until such time as they have demonstrated to the Commission that they are or will be able to comply with the provisions of this Code. Six (6) consecutive on-time sales tax filings, with full remittance of the sales taxes collected, shall establish the presumption of compliance and return to quarterly filing.
- I. The preparer of the sales tax return shall keep and maintain all documentation

supporting any and all claims of exempted sales and purchases. Documentation for exempted sales should include the number of the exemption authorization card presented by the buyer at the time of the purchase; the date of the purchase; the name of the person making the purchase; the organization making the purchase; the total amount of the purchase; and the amount of sales tax exempted. This documentation shall be made available to the Commission upon request. Failure to provide such documentation may invalidate that portion of the claim of exemption for which no documentation is provided.

XX.XX.90.- Estimated Tax

- A. In the event the Commission is unable to ascertain the tax due from a remote seller or marketplace facilitator by reason of the failure of the remote seller or marketplace facilitator to keep accurate books, allow inspection, or file a return, or by reason of the remote seller or marketplace facilitator filing a false or inaccurate return, the Commission may make an estimate of the tax due based on any evidence in their possession.
- B. Sales taxes may also be estimated, based on any information available, whenever the Commission has reasonable cause to believe that any information on a sales tax return is not accurate.
- C. A remote seller's or marketplace facilitator's tax liability under this Code may be determined and assessed for a period of six (6) years after the date the return was filed or due to be filed with the Commission. No civil action for the collection of such tax may be commenced after the expiration of the six- (6-) year period except an action for taxes, penalties and interest due from those filing periods that are the subject of a written demand or assessment made within the six- (6-) year period, unless the remote seller or marketplace facilitator waives the protection of this section.
- D. The Commission shall notify the remote seller or marketplace facilitator, in writing, that the Commission has estimated the amount of sales tax that is due from the remote seller or marketplace facilitator. The Commission shall serve the notice on the remote seller or marketplace facilitator by delivering the notice to the remote seller's or marketplace facilitator's place of business, or by mailing the notice by certified mail, return receipt requested, to the remote seller's or marketplace facilitator's last known mailing address. A remote seller or marketplace facilitator who refuses the certified mail will be considered to have accepted the certified mail for purposes of service.
- E. The Commission's estimate of the amount of sales tax that is due from a remote seller or marketplace facilitator shall become a final determination of the amount that is due unless the remote seller or marketplace facilitator, within thirty (30) calendar days after service of notice of the estimated tax:
 1. Files a complete and accurate sales tax return for the delinquent periods supported by satisfactory records and accompanied by a full remittance of all taxes, interest, penalties, costs and other charges due; or
 2. Files a written notice with the Commission appealing the estimated tax amount in accordance with the appeal procedures.
 3. Arguments or reasons for failure to timely file a return and remit taxes collected shall not be considered a valid basis or grounds for granting an appeal. The basis and grounds for granting an appeal of an assessment are:
 - a. The identity of the remote seller or marketplace facilitator is in error;

- b. The amount of the debt is erroneous due to a clerical error (and the nature and extent of the error is specified in the request for appeal); or
 - c. The remote seller or marketplace facilitator disputes the denial of exemption(s) for certain sales.
- F. The amount of sales tax finally determined to be due under this section shall bear interest and penalty from the date that the sales tax originally was due, plus an additional civil penalty of fifty dollars (\$50) for each calendar month or partial month for which the amount of sales tax that is due has been determined.

XX.XX.100.-Returns – Filing Contents

- A. Every remote seller or marketplace facilitator required by this chapter to collect sales tax shall file with the Commission upon forms furnished by the Commission a return setting forth the following information with totals rounded to the nearest dollar:
 - 1. Gross sales;
 - 2. The nontaxable portions separately stating the amount of sales revenue attributable to each class of exemption;
 - 3. Computation of taxes to be remitted;
 - 4. Calculated discount (if applicable) based on taxing jurisdiction's code; and
 - 5. Such other information as may be required by the Commission.
- B. Each tax return remitted by a remote seller or marketplace facilitator shall be signed (digital or otherwise) by a responsible individual who shall attest to the completeness and accuracy of the information on the tax return.
- C. The Commission reserves the right to reject a filed return for failure to comply with the requirements of this Code for up to three (3) months from the date of filing. The Commission shall give written notice to a remote seller or marketplace facilitator that a return has been rejected, including the reason for the rejection.

XX.XX.110 – Refunds

- A. Upon request from a buyer or remote seller or marketplace facilitator the Commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller or marketplace facilitator shall process the refund and amend any returns accordingly.
- B. If the claimant is a remote seller or marketplace facilitator, and the tax refund is owed to any buyer, the remote seller or marketplace facilitator submits, and the Commission approves, a refund plan to all affected buyers.
- C. The Taxing Jurisdictions may allow a buyer to request a refund directly from the Taxing Jurisdiction.

X XX.XX.120. – Amended Returns

- A. A remote seller or marketplace facilitator may file an amended sales tax return, with supporting documentation, and the Commission may accept the amended return, but only in the following circumstances:
 - i. The amended return is filed within one (1) year of the original due date for the return; and
 - ii. The remote seller or marketplace facilitator provides a written justification for requesting approval of the amended return; and
 - iii. The remote seller or marketplace facilitator agrees to submit to an audit upon request

of the Commission.

- B. The Commission shall notify the remote seller or marketplace facilitator in writing (by email or otherwise) whether the Commission accepts or rejects an amended return, including the reasons for any rejection.
- C. The Commission may adjust a return for a remote seller or marketplace facilitator if, after investigation, the Commission determines the figure included in the original returns are incorrect; and the Commission adjusts the return within two (2) years of the original due date for the return.
- D. A remote seller or marketplace facilitator may file a supplemental sales tax return, with supporting documentation, and the Commission may accept the supplemental return, but only in the following circumstances:
 - i. The remote seller or marketplace facilitator provides a written justification for requesting approval of the supplemental return; and
 - ii. The remote seller or marketplace facilitator agrees to submit to an audit upon request of the Commission.

XX.XX.130. – Extension of Time to File Tax Return

Upon written application of a remote seller or marketplace facilitator, stating the reasons therefor, the Commission may extend the time to file a sales tax return but only if the Commission finds each of the following:

1. For reasons beyond the remote seller's or marketplace facilitator's control, the remote seller or marketplace facilitator has been unable to maintain in a current condition the books and records that contain the information required to complete the return;
2. Such extension is a dire necessity for bookkeeping reasons and would avert undue hardship upon the remote seller or marketplace facilitator;
3. The remote seller or marketplace facilitator has a plan to cure the problem that caused the remote seller or marketplace facilitator to apply for an extension and the remote seller or marketplace facilitator agrees to proceed with diligence to cure the problem;
4. At the time of the application, the remote seller or marketplace facilitator is not delinquent in filing any other sales tax return, in remitting sales tax to the Commission or otherwise in violation of this chapter;
5. No such extension shall be made retroactively to cover existing delinquencies.

XX.XX.140 – Audits

- A. Any remote seller or marketplace facilitator who has registered with the Commission, who is required to collect and remit sales tax, or who is required to submit a sales tax return is subject to a discretionary sales tax audit at any time. The purpose of such an audit is to examine the business records of the remote seller or marketplace facilitator in order to determine whether appropriate amounts of sales tax revenue have been collected by the remote seller or marketplace facilitator and remitted to the Commission.
- B. The Commission is not bound to accept a sales tax return as correct. The Commission may make an independent investigation of all retail sales or transactions conducted within the State or taxing jurisdiction.
- C. The records that a remote seller or marketplace facilitator is required to maintain under this chapter shall be subject to inspection and copying by authorized employees or agents of the Commission for the purpose of auditing any return filed under this chapter, or to

determine the remote seller's or marketplace facilitator's liability for sales tax where no return has been filed.

- D. In addition to the information required on returns, the Commission may request, and the remote seller or marketplace facilitator must furnish, any reasonable information deemed necessary for a correct computation of the tax.
- E. The Commission may adjust a return for a remote seller or marketplace facilitator if, after investigation or audit, the Commission determines that the figures included in the original return are incorrect, and that additional sales taxes are due; and the Commission adjusts the return within two (2) years of the original due date for the return.
- F. For the purpose of ascertaining the correctness of a return or the amount of taxes owed when a return has not been filed, the Commission may conduct investigations, hearings and audits and may examine any relevant books, papers, statements, memoranda, records, accounts or other writings of any remote seller or marketplace facilitator at any reasonable hour on the premises of the remote seller or marketplace facilitator and may require the attendance of any officer or employee of the remote seller or marketplace facilitator. Upon written demand by the Commission, the remote seller or marketplace facilitator shall present for examination, in the office of the Commission, such books, papers, statements, memoranda, records, accounts and other written material as may be set out in the demand unless the Commission and the person upon whom the demand is made agree to presentation of such materials at a different place.
- G. The Commission may issue subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda. If any remote seller or marketplace facilitator refuses to obey any such subpoena, the Commissioner may refer the matter to the Commission's attorney for an application to the superior court for an order requiring the remote seller or marketplace facilitator to comply therewith.
- H. Any remote seller, marketplace facilitator, or person engaged in business who is unable or unwilling to submit their records to the Commission shall be required to pay the Commission for all necessary expenses incurred for the examination and inspection of their records maintained outside the Commission.
- I. After the completion of a sales tax audit, the results of the audit will be sent to the business owner's address of record.
- J. In the event the Commission, upon completion of an audit, discovers more than five hundred dollars (\$500) in additional sales tax due from a remote seller or marketplace facilitator resulting from a remote seller's or marketplace facilitator's failure to accurately report sales and taxes due thereupon, the remote seller or marketplace facilitator shall bear responsibility for the full cost of the audit. The audit fee assessment will be in addition to interest and penalties applicable to amounts deemed to be delinquent by the Commission at the time of the conclusion of the audit.

XX.XX.150.- Audit protest

- A. If the remote seller or marketplace facilitator wishes to dispute the amount of the estimate, or the results of an examination or audit, the remote seller or marketplace facilitator must file a written protest with the Commission, within thirty (30) calendar days of the date of the notice of estimated tax or results of an audit or examination. The protest must set forth:
 - 1. The remote seller's or marketplace facilitator's justification for reducing or

- increasing the estimated tax amount, including any missing sales tax returns for the periods estimated; or
2. The remote seller's or marketplace facilitator's reasons for challenging the examination or audit results.
- B. In processing the protest, the Commission may hold an informal meeting or hearing with the remote seller or marketplace facilitator, either on its own or upon request of the remote seller or marketplace facilitator, and may also require that the remote seller or marketplace facilitator submit to an audit, if one was not previously conducted or a more formal audit, if an estimation audit was previously performed.
 - C. The Commission shall make a final written determination on the remote seller's or marketplace facilitator's protest and mail a copy of the determination to the remote seller or marketplace facilitator.
 - D. If a written protest is not filed within thirty (30) days of the date of the notice of estimated tax or the result of a review, audit or examination, then the estimated tax, review, audit or examination result shall be final, due and payable to the Commission.

XX.XX.160. – Penalties and Interest for Late Filing

- A. A late filing fee of twenty-five dollars (\$25) per month (or quarter) shall be added to all late-filed sales tax reports in addition to interest and penalties.
- B. Delinquent sales tax bear interest at the rate of fifteen percent (15%) per annum until paid.
- C. In addition, delinquent sales tax shall be subject to an additional penalty of 5% per month, or fraction thereof, until a total of 20% of delinquent tax has been reached. The penalty does not bear interest.
- D. Fees, penalties and interest shall be assessed and collected in the same manner as the tax is assessed and collected, and applied first to fees, penalties and interest, second to past due sales tax.
- E. The filing of an incomplete return, or the failure to remit all tax, shall be treated as the filing of no return.
- F. A penalty assessed under this section for the delinquent remittance of sales tax or failure to file a sales tax return may be waived by the Commission, upon written application of the remote seller or marketplace facilitator accompanied by a payment of all delinquent sales tax, interest and penalty otherwise owed by the remote seller or marketplace facilitator, within forty-five (45) calendar days after the date of delinquency. A remote seller or marketplace facilitator may not be granted more than one (1) waiver of penalty under this subsection in any one calendar year. The Commission shall report such waivers of penalty to the taxing jurisdiction, in writing.

XX.XX.170 – Repayment Plans

- A. The Commission may agree to enter into a repayment plan with a delinquent remote seller or marketplace facilitator. No repayment plan shall be valid unless agreed to by both parties in writing.
- B. A remote seller or marketplace facilitator shall not be eligible to enter into a repayment plan with the Commission if the remote seller or marketplace facilitator has defaulted on a repayment plan in the previous two (2) calendar years.
- C. The repayment plan shall include a secured promissory note that substantially complies

with the following terms:

- i. The remote seller or marketplace facilitator agrees to pay a minimum of ten percent (10%) down payment on the tax, interest and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.
 - ii. The remote seller or marketplace facilitator agrees to pay the balance of the tax, penalty and interest owed in monthly installments over a period not to exceed two (2) years.
 - iii. Interest at a rate of fifteen percent (15%) per annum shall accrue on the principal sum due. Interest shall not apply to penalties owed or to interest accrued at the time the repayment plan is executed or accruing during the term of the repayment plan.
 - iv. If the remote seller or marketplace facilitator is a corporation or a limited liability entity the remote seller or marketplace facilitator agrees to provide a personal guarantee of the obligations under the repayment plan.
 - v. The remote seller or marketplace facilitator agrees to pay all future tax bills in accordance with the provisions of this chapter.
 - vi. The remote seller or marketplace facilitator agrees to provide a security interest in the form of a sales tax lien for the entire unpaid balance of the promissory note to be recorded by the Commission at the time the repayment plan is signed. The remote seller or marketplace facilitator shall be responsible for the cost of recording the tax lien.
- D. If a remote seller or marketplace facilitator fails to pay two (2) or more payments as required by the repayment plan agreement, the remote seller or marketplace facilitator shall be in default and the entire amount owed at the time of default shall become immediately due. The Commission will send the remote seller or marketplace facilitator a notice of default. The Commission may immediately foreclose on the sales tax lien or take any other remedy available under the law.

XX.XX.180. – Remote Seller or Marketplace Facilitator Record Retention

Remote sellers or marketplace facilitators shall keep and preserve suitable records of all sales made and such other books or accounts as may be necessary to determine the amount of tax which the remote seller or marketplace facilitator is obliged to collect. Remote sellers or marketplace facilitators shall preserve suitable records of sales for a period of six (6) years from the date of the return reporting such sales, and shall preserve for a period of six (6) years all invoices of goods and merchandise purchased for resale, and all such other books, invoices and records as may be necessary to accurately determine the amount of taxes which the remote seller or marketplace facilitator was obliged to collect under this chapter.

XX.XX.190. Cessation or Transfer of Business

- A. A remote seller or marketplace facilitator who sells, leases, conveys, forfeits, transfers or assigns the majority of their business interest, including a creditor or secured party, shall make a final sales tax return within thirty (30) days after the date of such conveyance.
- B. At least ten (10) business days before any such sale is completed, the remote seller or marketplace facilitator shall send to the Commission, by approved communication (email confirmation, certified first-class mail, postage prepaid) a notice that the remote

seller's or marketplace facilitator's interest is to be conveyed and shall include the name, address and telephone number of the person or entity to whom the interest is to be conveyed.

- C. Upon notice of sale and disclosure of buyer, the Commission shall be authorized to disclose the status of the remote seller's or marketplace facilitator's sales tax account to the named buyer or assignee.
- D. Upon receipt of notice of a sale or transfer, the Commission shall send the transferee a copy of this Code with this section highlighted.
- E. Neither the Commission's failure to give the notice nor the transferee's failure to receive the notice shall relieve the transferee of any obligations under this section.
- F. Following receipt of the notice, the Commission shall have sixty (60) days in which to perform a final sales tax audit and assess sales tax liability against the seller of the business. If the notice is not mailed at least ten (10) business days before the sale is completed, the Commission shall have twelve (12) months from the date of the completion of the sale or the Commission's knowledge of the completion of the sale within which to begin a final sales tax audit and assess sales tax liability against the seller of the business. The Commission may also initiate an estimated assessment if the requirements for such an assessment exist.
- G. A person acquiring any interest of a remote seller or marketplace facilitator in a business required to collect the tax under this chapter assumes the liability of the remote seller or marketplace facilitator for all taxes due the Commission, whether current or delinquent, whether known to the Commission or discovered later, and for all interest, penalties, costs and charges on such taxes.
- H. Before the effective date of the transfer, the transferee of a business shall obtain from the Commission an estimate of the delinquent sales tax, penalty and interest, if any, owed by the remote seller or marketplace facilitator as of the date of the transfer, and shall withhold that amount from the consideration payable for the transfer, until the remote seller or marketplace facilitator has produced a receipt from the Commission showing that all tax obligations imposed by this chapter have been paid. A transferee that fails to withhold the amount required under this subsection shall be liable to the Commission and taxing jurisdiction for the lesser of the amount of delinquent sales tax, penalty and interest due from the remote seller or marketplace facilitator as of the date of transfer, and the amount that the transferee was required to withhold.
- I. In this section, the term "transfer" includes the following:
 - 1. A change in voting control, or in more than fifty percent (50%) of the ownership interest in a remote seller or marketplace facilitator that is a corporation, limited liability company or partnership; or
 - 2. A sale of all or substantially all the assets used in the business of the remote seller or marketplace facilitator; or
 - 3. The initiation of a lease, management agreement or other arrangement under which another person becomes entitled to the remote seller's or marketplace facilitator's gross receipts from sales, rentals or services.
- J. Subsection H of this section shall not apply to any person who acquires their ownership interest in the ongoing business as a result of the foreclosure of a lien that has priority over the Commission's sales tax lien.
- K. Upon termination, dissolution or abandonment of a corporate business, any officer

having control or supervision of sales tax funds collected, or who is charged with responsibility for the filing of returns or the payment of sales tax funds collected, shall be personally liable for any unpaid taxes, interest, administrative costs and penalties on those taxes if such officer willfully fails to pay or cause to be paid any taxes due from the corporation. In addition, regardless of willfulness, each director of the corporation shall be jointly and severally liable for unpaid amounts. The officer shall be liable only for taxes collected which became due during the period he or she had the control, supervision, responsibility or duty to act for the corporation. This section does not relieve the corporation of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

- L. A remote seller or marketplace facilitator who terminates the business without the benefit of a purchaser, successor or assign shall make a final tax return and settlement of tax obligations within thirty (30) days after such termination. If a final return and settlement are not received within thirty (30) days of the termination, the remote seller or marketplace facilitator shall pay a penalty of one hundred dollars (\$100), plus an additional penalty of twenty-five dollars (\$25) for each additional thirty- (30-) day period, or part of such a period, during which the final return and settlement have not been made, for a maximum of six (6) additional periods.

XX.XX.200. – Use of Information on Tax Returns

- A. Except as otherwise provided in this chapter, all returns, reports and information required to be filed with the Commission under this Code, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:
 - 1. Employees and agents of the Commission and taxing jurisdiction whose job responsibilities are directly related to such returns, reports and information;
 - 2. The person supplying such returns, reports and information; and
 - 3. Persons authorized in writing by the person supplying such returns, reports and information.
- B. The Commission will release information described in subsection A of this section pursuant to subpoena, order of a court or administrative agency of competent jurisdiction, and where otherwise required by law to do so.
- C. Notwithstanding subsection A of this section, the following information is available for public inspection:
 - 1. The name and address of sellers;
 - 2. Whether a business is registered to collect taxes under this chapter;
 - 3. The name and address of businesses that are sixty (60) days or more delinquent in filing returns or in remitting sales tax, or both filing returns and remitting sales tax; and, if so delinquent, the amount of estimated sales tax due, and the number of returns not filed.
- D. The Commission may provide the public statistical information related to sales tax collections, provided that no information identifiable to a particular remote seller or marketplace facilitator is disclosed.
- E. Nothing contained in this section shall be construed to prohibit the delivery to a person, or their duly authorized representative, of a copy of any return or report filed by them, nor to prohibit the publication of statistics so classified as to prevent the identification of particular buyers, remote sellers, or marketplace facilitators, nor to prohibit the furnishing

of information on a reciprocal basis to other agencies or political subdivisions of the state or the United States concerned with the enforcement of tax laws.

- F. Nothing contained in this section shall be construed to prohibit the disclosure through enforcement action proceedings or by public inspection or publication of the name, estimated balance due, and current status of payments, and filings of any remote seller or marketplace facilitator or agent of any remote seller or marketplace facilitator required to collect sales taxes or file returns under this chapter, who fails to file any return and/or remit in full all sales taxes due within thirty (30) days after the required date for that business. Entry into any agreement whether pursuant to the provisions of this chapter or otherwise shall not act as any prohibition to disclosure of the records of that remote seller or marketplace facilitator as otherwise provided in this chapter.
- G. A prospective lessee or purchaser of any business or business interest may inquire as to the obligation or tax status of any business upon presenting to the Commission a release of tax information request signed by the authorized agent of the business.
- H. All returns referred to in this chapter, and all data taken therefrom, shall be kept secure from public inspection, and from all private inspection.

XX.XX.210 – Violations

- A. A remote seller or marketplace facilitator that fails to file a sales tax return or remit sales tax when due, in addition to any other liability imposed by this Code, shall pay to the Commission all costs incurred by the Commission to determine the amount of the remote seller's or marketplace facilitator's liability or to collect the sales tax, including, without limitation, reviewing and auditing the remote seller's or marketplace facilitator's business records, collection agency fees, and actual reasonable attorney's fees.
- B. A person who causes or permits a corporation of which the person is an officer or director, a limited liability company of which the person is a member or manager, or a partnership of which the person is a partner, to fail to collect sales tax or to remit sales tax to the Commission as required by this Code shall be liable to the Commission for the amount that should have been collected or remitted, plus any applicable interest and penalty.
- C. Notwithstanding any other provision of law, and whether or not the Commission initiates an audit or other tax collection procedure, the Commission may bring a declaratory judgment action against a remote seller or marketplace facilitator believed to meet the criteria to establish that the obligation to remit sales tax is applicable and valid under local, state and federal law. The action shall be brought in the judicial district of the taxing jurisdiction.
- D. The Commission may cause a sales tax lien to be filed and recorded against all real and personal property of a remote seller or marketplace facilitator where the remote seller or marketplace facilitator has:
 - 1. Failed to file sales tax returns for two (2) consecutive filing periods as required by the Code; or
 - 2. Failed within sixty (60) days of the end of the filing period from which taxes were due to either (a) remit all amounts due or (b) to enter into a secured payment agreement as provided in this Code.
 - 3. Prior to filing a sales tax lien, the Commission shall cause a written notice of intent to file to be mailed to the last known address of the delinquent remote seller or marketplace facilitator.

- E. In addition to other remedies discussed in this Code, the Commission may bring a civil action to:
 - 1. Enjoin a violation of this Code. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.
 - 2. Collect delinquent sales tax, penalty, interest and costs of collection, either before or after estimating the amount of sales tax due.
 - 3. Foreclose a recorded sales tax lien as provided by law.
- F. All remedies hereunder are cumulative and are in addition to those existing at law or equity.

XX.XX.220 – Penalties for Violations

- A. A buyer, remote seller, or marketplace facilitator who knowingly or negligently submits false information in a document filed with the Commission pursuant to this Code is subject to a penalty of five hundred dollars (\$500).
- B. A remote seller or marketplace facilitator who knowingly or negligently falsifies or conceals information related to its business activities with the Commission or taxing jurisdiction is subject to a penalty of five hundred dollars (\$500).
- C. A person who knowingly or negligently provides false information when applying for a certificate of exemption is subject to a penalty of five hundred dollars (\$500).
- D. Any remote seller or marketplace facilitator who fails to file a return by the due date required under this chapter, regardless of whether any taxes were due for the reporting period for which the return was required, shall be subject to a penalty of twenty-five dollars (\$25) for the first sales tax return not timely filed. The filing of an incomplete return shall be treated as the filing of no return.
- E. A remote seller or marketplace facilitator who fails or refuses to produce requested records or to allow inspection of their books and records shall pay to the Commission a penalty equal to three (3) times any deficiency found or estimated by the Commission with a minimum penalty of five hundred dollars (\$500).
- F. A remote seller or marketplace facilitator who falsifies or misrepresents any record filed with the Commission is guilty of an infraction and subject to a penalty of five hundred dollars (\$500) per record.
- G. Misuse of an exemption card is a violation and subject to a penalty of fifty dollars (\$50) per incident of misuse;
- H. Nothing in this chapter shall be construed as preventing the Commission from filing and maintaining an action at law to recover any taxes, penalties, interest and/or fees due from a remote seller or marketplace facilitator. The Commission may also recover attorney's fees in any action against a delinquent remote seller or marketplace facilitator.

XX.XX.230. –Sellers with a physical presence in the taxing jurisdiction.

- A. Sellers with a physical presence in a Taxing Jurisdiction and no remote or internet-based sales shall report, remit, and comply with standards, including audit authority, of the Taxing Jurisdiction.
- B. Sellers with a physical presence in a Taxing Jurisdiction that also have remote or internet-based sales where the Point of Delivery is in a different Taxing Jurisdictions shall (i)

report and remit the remote or internet sales to the Commission; and ii) report and remit the in-store sales to the Taxing Jurisdiction.

- C. Sellers with a physical presence in a Taxing Jurisdiction that also have remote or internet-based sales where the Point of Delivery is in the same Taxing Jurisdictions shall report and remit those remote sales to the Taxing Jurisdiction.
- D. Sellers and marketplace facilitators that do not have a physical presence in a Taxing Jurisdiction must report and remit all remote sales to the Commission.
- E. For all purchases the tax rate added to the sale price shall be as provided in the Taxing Jurisdiction's sales tax code, based on point of delivery.
- F. A marketplace facilitator is considered the remote seller for each sale facilitated through its marketplace and shall collect, report, and remit sales tax to the Commission. A marketplace facilitator is not considered to be the remote seller for each sale or rental of lodging facilitated through its marketplace, wherein the seller is considered to have a physical presence in the Taxing Jurisdiction.

XX.XX.240. – Remittance of Tax; Remote Seller Held Harmless.

- A. Any remote seller or marketplace facilitator that collects and remits sales tax to the Commission as provided by law may use an electronic database of state addresses that is certified by the Commission pursuant to subsection (C) of this section to determine the jurisdictions to which tax is owed.
- B. Any remote seller or marketplace facilitator that uses the data contained in an electronic database certified by the Commission pursuant to subsection (C) of this section to determine the jurisdictions to which tax is owed shall be held harmless for any tax, charge, or fee liability to any taxing jurisdiction that otherwise would be due solely as a result of an error or omission in the database.
- C. Any electronic database provider may apply to the Commission to be certified for use by remote sellers or marketplace facilitators pursuant to this section. Such certification shall be valid for three years. In order to be certified, an electronic database provider shall have a database that satisfies the following criteria:
 - 1. The database shall designate each address in the state, including, to the extent practicable, any multiple postal address applicable to one location and the taxing jurisdictions that have the authority to impose a tax on purchases made by purchasers at each address in the state.
 - 2. The information contained in the electronic database shall be updated as necessary and maintained in an accurate condition. In order to keep the database accurate, the database provider shall provide a convenient method for taxing jurisdictions that may be affected by the use of the database to inform the provider of apparent errors in the database. The provider shall have a process in place to promptly correct any errors brought to the provider's attention.

XX.XX.250. – Definitions

Adoption of definitions does not compel an individual municipality to exempt certain defined items. Each municipality should specifically adopt definitions necessary for consistency to implement both brick-and-mortar sales tax code and provisions related to remote sellers or marketplace facilitators. For definitions that have no applicability to brick-and-mortar sales tax code, municipality may choose either to include definitions in the definitional section of general sales tax ordinance or adopt the common definitions by reference.

“Buyer or purchaser” means a person to whom a sale of property or product is made or to whom a service is furnished.

“Commission” means the Alaska Intergovernmental Remote Sales Tax Commission established by Agreement between local government taxing jurisdictions within Alaska, and delegated tax collection authority.

“Delivered electronically” means delivered to the purchaser by means other than tangible storage media.

“Entity-based exemption” means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

“Goods for resale” means:

- A. the sale of goods by a manufacturer, wholesaler or distributor to a retail vendor; sales to a wholesale or retail dealer who deals in the property sold, for the purpose of resale by the dealer.
- B. Sales of personal property as raw material to a person engaged in manufacturing components for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of, a product manufactured for sale by the manufacturer.
- C. Sale of personal property as construction material to a licensed building contractor where the property sold becomes part of the permanent structure.

“Marketplace facilitator” means a person that contracts with remote sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the remote seller’s property or services through a physical or electronic marketplace operated by the person, and engages:

- (a) Directly or indirectly, through one or more affiliated persons in any of the following:
 - (i) Transmitting or otherwise communicating the offer or acceptance between the buyer and remote seller;
 - (ii) Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and remote sellers together;
 - (iii) Providing a virtual currency that buyers are allowed or required to use to purchase products from the remote seller; or
 - (iv) Software development or research and development activities related to any of the activities described in (b) of this subsection (3), if such activities are directly related to a

physical or electronic marketplace operated by the person or an affiliated person; and

(b) In any of the following activities with respect to the seller's products:

- (i) Payment processing services;
- (ii) Fulfillment or storage services;
- (iii) Listing products for sale;
- (iv) Setting prices;
- (v) Branding sales as those of the marketplace facilitator;
- (vi) Order taking;
- (vii) Advertising or promotion; or
- (viii) Providing customer service or accepting or assisting with returns or exchanges.

“Member” means a taxing jurisdiction that is a signatory of the Alaska Remote Sales Tax Intergovernmental Agreement, thereby members of the Commission, and who have adopted the Remote Seller Sales Tax Code.

“Monthly” means occurring once per calendar month.

“Nonprofit organization” means a business that has been granted tax-exempt status by the Internal Revenue Service (IRS); means an association, corporation, or other organization where no part of the net earnings of the organization inures to the benefit of any member, shareholder, or other individual, as certified by registration with the IRS.

“Person” means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

“Physical presence” means a seller who establishes any one or more of the following within a local taxing jurisdiction:

1. Has any office, distribution or sales house, warehouse, storefront, or any other place of business within the boundaries of the local taxing jurisdiction;
2. Solicits business or receiving orders through any employee, agent, salesman, or other representative within the boundaries of the local taxing jurisdiction or engages in activities in this state that are significantly associated with the seller's ability to establish or maintain a market for its products in this state.
3. Provides services or holds inventory within the boundaries of the local taxing jurisdiction;
4. Rents or Leases property located within the boundaries of the local taxing jurisdiction.

A seller that establishes a physical presence within the local taxing jurisdiction in any calendar year will be deemed to have a physical presence within the local taxing jurisdiction for the following calendar year.

“Point of delivery” means the location at which property or a product is delivered or service rendered.

- A. When the product is not received or paid for by the purchaser at a business location of a remote seller in a Taxing Jurisdiction, the sale is considered delivered to the location where receipt by the purchaser (or the purchaser's recipient, designated as such by the

purchaser) occurs, including the location indicated by instructions for delivery as supplied by the purchaser (or recipient) and as known to the seller.

- B. When the product is received or paid for by a purchaser who is physically present at a business location of a Remote Seller in a Taxing Jurisdiction the sale is considered to have been made in the Taxing Jurisdiction where the purchaser is present even if delivery of the product takes place in another Taxing Jurisdiction. Such sales are reported and tax remitted directly to the Taxing Jurisdiction not to the Commission.
- C. For products transferred electronically, or other sales where the remote seller or marketplace facilitator lacks a delivery address for the purchaser, the remote seller or marketplace facilitator shall consider the point of delivery the sale to the billing address of the buyer.

“Product-based exemptions” means an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product.

“Property” and **“product”** means both tangible property, an item that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses; and intangible property, anything that is not physical in nature (i.e.; intellectual property, brand recognition, goodwill, trade, copyright and patents).

“Quarter” means trimonthly periods of a calendar year; January-March, April-June, July-September, and October-December.

“Receive or receipt” means

- A. Taking possession of property;
- B. Making first use of services;
- C. Taking possession or making first use of digital goods, whichever comes first.

The terms “receive” and “receipt” do not include temporary possession by a shipping company on behalf of the purchaser.

“Remote sales” means sales of goods or services by a remote seller or marketplace facilitator.

“Remote seller” means a seller or marketplace facilitator making sales of goods or services delivered within the State of Alaska, without having a physical presence in a taxing jurisdiction, or conducting business between taxing jurisdictions, when sales are made by internet, mail order, phone or other remote means. A marketplace facilitator shall be considered the remote seller for each sale facilitated through its marketplace.

“Resale of services” means sales of intermediate services to a business the charge for which will be passed directly by that business to a specific buyer.

“Sale” or “retail sale” means any transfer of property for consideration for any purpose other than for resale.

“Sales or purchase price” means the total amount of consideration, including cash, credit,

property, products, and services, for which property, products, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- A. The seller's cost of the property or product sold;
- B. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- C. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- D. Delivery charges;
- E. Installation charges; and
- F. Credit for any trade-in, as determined by state law.

"Seller" means a person making sales of property, products, or services, or a marketplace facilitator facilitating sales on behalf of a seller.

"Services" means all services of every manner and description, which are performed or furnished for compensation, and delivered electronically or otherwise outside the taxing jurisdiction (but excluding any that are rendered physically within the taxing jurisdiction, including but not limited to:

- A. Professional services;
- B. Services in which a sale of property or product may be involved, including property or products made to order;
- C. Utilities and utility services not constituting a sale of property or products, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services;
- D. The sale of transportation services;
- E. Services rendered for compensation by any person who furnishes any such services in the course of his trade, business, or occupation, including all services rendered for commission;
- F. Advertising, maintenance, recreation, amusement, and craftsman services.

"Tax cap" means a maximum taxable transaction.

"Taxing jurisdiction" means a local government in Alaska that has a sales tax and is a member of the Alaska Remote Sellers Sales Tax Commission.

"Transferred electronically" means obtained by the purchaser by means other than tangible storage media.

XX.XX.260. – Supplemental Definitions.

The Commission shall promulgate Supplemental Definitions that are incorporated into this Remote Seller Sales Tax Code. Supplemental Definitions are available at www.arsstc.org. Provisions of the Supplemental Definitions that are amended, deleted, or added prior to or after

the effective date of the latest amendment to this chapter shall be applicable for purposes of this chapter on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.

XX.XX.260. – Supplemental Definitions.

The Commission shall promulgate Supplemental Definitions that are incorporated into this Remote Seller Sales Tax Code. Supplemental Definitions are available at www.arsstc.org. Provisions of the Supplemental Definitions that are amended, deleted, or added prior to or after the effective date of the latest amendment to this chapter shall be applicable for purposes of this chapter on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.

ALASKA REMOTE SELLER SALES TAX CODE
SUPPLEMENTAL DEFINITIONS

“Advertising” means services rendered to promote a product, service, idea, concept, issue, or the image of a person, including services rendered to design and produce advertising materials prior to the acceptance of the advertising materials for reproduction or publication, including research; design; layout; preliminary and final art preparation; creative consultation, coordination, direction, and supervision; script and copywriting; editing; and account management services.

“Aircraft charter service” means an air carrier operation that requires the customer to hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled trip.

“Alcoholic beverages” means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.

“Arts and crafts” mean articles produced individually by artistic or craft skill such as painting, sculpture, pottery, jewelry or similar articles.

“ATV” or “off-highway vehicle” means a vehicle designed or adapted for cross-country operation over unimproved terrain, ice or snow, and which has been declared by its owner at the time of registration and determined by the department to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided in this title; it does not include implements of husbandry and special mobile equipment.

“Authentic Native artwork” means any product which is Alaska Native handcrafted and is not made by machine. “Alaska Native handcrafted” means the skillful and expert use of the hands in making products solely by Alaska Natives within the United States, including the use of findings, hand tools and equipment for buffing, polishing, grinding, drilling or sewing. “Made by machine” means the producing or reproducing of a product in mass production by mechanically stamping, casting, blanking or weaving.

“Bank services” or “financial services” means deposit account services, loan transaction fees, transactions relating to the sale or exchange of currency or securities, transactions for conversion of negotiable instruments, safe deposit services, escrow collection services, late fees, overdraft fees, and interest charged on past due accounts.

“Boat” means a vessel used or capable of being used as a means of transportation on the water.

“Child care” means a regular service of care and education provided for compensation for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children.

“Church” means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.

“Clothing and related products” means all human wearing apparel suitable for general use. Clothing includes: aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; children and adult diapers, including disposable; ear muffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed boots; underwear; uniforms, athletic and nonathletic; and wedding apparel.

“Commercial airline tickets” means any card, pass, certificate, or paper, electronic or otherwise, providing or intending to provide for the carriage or transportation of any person or persons upon any airline.

“Common carrier” means an individual or a company, which is in the regular business of transporting freight for hire. This is distinguished from a private carrier which transports its own goods and equipment and makes deliveries of goods sold to its customers.

“Construction materials” means an item of tangible personal property that is used to construct or renovate a building, a structure, or an improvement on land and that typically loses its separate identity as personal property once incorporated into the real property. “Construction material” includes building materials, building systems equipment, landscaping materials, and supplies.

“Construction services” means all labor and services provided in connection with the construction, alteration, repair, demolition, reconstruction, or other improvements to real property.

“Crop production” means purchases of seed, plants, fertilizer, pesticides, fungicides, and other tangible personal property and agricultural machinery, tools, and equipment to be directly used in the production of food or commodities that are sold either for human consumption or for further food or commodity production. The phrase “directly used” means that the property must be integral and essential to the crop production process.

“Disabled veteran” means a disabled person:

- A. separated from the military service of the United States under a condition that is not

dishonorable who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50 percent or more by the branch of service in which that person served or by the United States Department of Veterans Affairs; or

- B. who served in the Alaska Territorial Guard, who is a resident of the state, whose disability was incurred or aggravated in the line of duty while serving in the Alaska Territorial Guard, and whose disability has been rated as 50 percent or more.

“Drug” means a compound, substance or preparation, and any component of a compound, substance or preparation, other than “food and food ingredients,” “dietary supplements” or “alcoholic beverages:”

- A. Recognized in the official United State Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them; or
- B. B. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or
- C. C. Intended to affect the structure or any function of the body.

“Drugs for animal use” means:

- A. a drug for animal use recognized in the official United States Pharmacopoeia or National Formulary of the United States;
- B. a drug intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals;
- C. a drug, other than feed, medicated feed, or a growth promoting implant intended to affect the structure or function of the body of an animal; or
- D. a drug intended for use as a component of a drug in clause A., B., or C.

“Dues, Membership and Subscription” means monies paid for the purpose of membership, or qualifying or becoming eligible for goods or services, or discounts to goods or services.

“Durable medical equipment” means equipment including repair and replacement parts for same, but does not include “mobility enhancing equipment,” which:

- A. Can withstand repeated use; and
- B. Is primarily and customarily used to serve a medical purpose; and
- C. Generally is not useful to a person in the absence of illness or injury; and
- D. Is not worn in or on the body.

“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“Farming supplies” means animal food, seed, plants, fertilizers and other consumables used in an agriculture or mariculture business that sells its harvested grains, produce, meats, animal products or other farm production.

“Food” means any food or food product for home consumption except alcoholic beverages, tobacco, and prepared food. Food or food products includes property, whether in liquid,

concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.

“Food stamps” means obligations of the United States government issued or transferred by means of food coupons or food stamps to enable the purchase of food for the eligible household.

“Funeral fees” means those services normally performed and merchandise normally provided by funeral establishments, including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

“Gaming” means any game defined in AS 05.15.690, as amended or renumbered.

“Gasoline, heating fuels and other consumable fuels” means refined petroleum and petroleum-based products used for internal combustion engines and as the primary source for residential heating or domestic hot water. This may also include other types of fossil fuels as well as fuel sources that are renewable.

“Government” means the federal government and any agency or instrumentality thereof; any State and any agency or instrumentality thereof; any local government within a State, and any unit, agency, or instrumentality of such local government; any tribal government; any other governmental instrumentality.

“Handling,” “crating,” or “packing” means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser including, but not limited to, transportation, shipping, postage, handling, crating, and packing.”

“Insurance” means a contract whereby one undertakes to indemnify another or pay or provide a specified or determinable amount or benefit upon determinable contingencies.

“Internet service” means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

“Loan” means an extension of credit resulting from direct or indirect negotiations between a lender and a debtor.

“Lobbying” means the practice of promoting or opposing the introduction or enactment of legislation before the legislature or legislators and the practice of promoting or opposing official action of any public official or the legislature.

“Long-term vehicle lease” means a lease of a motor vehicle, as defined in this Section, for a period of 24 months or longer.

“Manufacturing components” means sales of personal property as raw material to a person engaged in manufacturing for sale, where the property sold is consumed in the manufacturing

process of or becomes an ingredient or component part of a product manufactured for sale by the manufacturer.

“Marijuana accessories” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body;

“Medical equipment and supplies, and prescriptions” means all medicines, medical goods or equipment prescribed by a health care provider licensed to practice in Alaska or any other state in the United States.

“Medical services” means those professional services rendered by persons duly licensed under the laws of this state to practice medicine, surgery, chiropractic, podiatry, dentistry, and other professional services rendered by a licensed midwife, certified registered nurse practitioners, and psychiatric and mental health nurse clinical specialists, and appliances, drugs, medicines, supplies, and nursing care necessary in connection with the services, or the expense indemnity for the services, appliances, drugs, medicines, supplies, and care, as may be specified in any nonprofit medical service plan. “Medical services” include hospital services.

“Mobility enhancing equipment” means equipment including repair and replacement parts to same, but does not include “durable medical equipment,” which:

- A. Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and
- B. Is not generally used by persons with normal mobility; and
- C. Does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

“Motor vehicle” means a motor vehicle, as defined in AS 28.90.990(17), that is either required to be registered under AS 28.10.011, or is exempted from registration under AS 28.10.011(6) and (11). However, “motor vehicle” does not include either an “off-highway vehicle” as defined in 13 AAC 40.010(a)(30) or a “snowmobile” as defined in 13 AAC 40.010(a)(49). “Motor vehicle” includes parts for a motor vehicle.

“Newspaper” means a publication of general circulation bearing a title, issued regularly at stated intervals at a minimum of not more than two weeks, and formed of printed paper sheets without substantial binding. It must be of general interest, containing information of current events. The word does not include publications devoted solely to a specialized field. It shall include school newspapers, regardless of the frequency of the publication, where such newspapers are distributed regularly to a paid subscription list.

“Nonprofit organization” means a business that has been granted tax-exempt status by the Internal Revenue Service (IRS); means an association, corporation, or other organization where no part of the net earnings of the organization inures to the benefit of any member, shareholder, or other individual, as certified by registration with the IRS.

“Over the counter drug” means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The “over-the-counter-drug” label includes:

- A. A “Drug Facts” panel; or
- B. A statement of the “active ingredient(s)” with a list of those ingredients contained in the compound, substance or preparation.

“Periodical” means any bound publication other than a newspaper that appears at stated intervals, each issue of which contains news or information of general interest to the public, or to some particular organization or group of persons. Each issue must bear a relationship to prior or subsequent issues with respect to continuity of literary character or similarity of subject matter, and sufficiently similar in style and format to make it evident that it is one of a series.

“Precious gems and metals” means any mineral, including but not limited to gold, silver, platinum and palladium, and any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphire, opals, pearls or any other such precious gems or stones that has been put through a process of refining and is in such a state or condition that its value depends upon its precious metal content (such as an ingot or bar) and not its form (such as jewelry or artwork).

“Prepared food” means:

- A. Food sold in a heated state or heated by the seller;
- B. Two or more food ingredients mixed or combined by the seller for sale as a single item; or
- C. Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.

“Prepared food” in Subsection B. does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of its Food Code so as to prevent food borne illnesses.

“Prewritten computer software” means “computer software,” including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more “prewritten computer software” programs or prewritten portions thereof does not cause the combination to be other than “prewritten computer software.” “Prewritten computer software” includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances “computer software” of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. “Prewritten computer software” or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains “prewritten computer software;” provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute “prewritten

computer software.”

“Printing services” means those activities relating to the work of the printing, publishing or graphic arts industries and shall include any mechanical process whereby ink is transferred to paper or other materials.

“Professional services” means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations that require a professional license under Alaska Statute.

“Prosthetic Device” means replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to:

- A. Artificially replace a missing portion of the body;
- B. Prevent or correct physical deformity or malfunction; or
- C. Support a weak or deformed portion of the body.

“Raw Seafood” means uncooked marine and estuarine fauna or flora used as food or of a kind suitable for food and specifically includes, but is not limited to, shrimp taken for bait.

“Retail car rental” means renting a rental car to a consumer. “Rental car” means a passenger car, that is used solely by a rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than thirty consecutive days. “Rental car” does not include:

- A. Vehicles rented or loaned to customers by automotive repair businesses while the customer's vehicle is under repair;
- B. Vehicles licensed and operated as taxicabs.

“Sales-Type Lease” means at lease commencement, (1) the lease transfers ownership of the underlying property, goods, or services to the lessee by the end of the lease term; (2) the lease grants the lessee an option to purchase the underlying property, goods, or services that the lessee is reasonably certain to exercise; (3) the lease term is for the major part of the remaining economic life of the underlying property, goods, or services. However, if the commencement date falls at or near the end of the economic life of the underlying property, goods, or services, this criterion shall not be used for purposes of classifying the lease; (4) the present value of the sum of the lease payments and any residual value guaranteed by the lessee that is not already reflected in the lease payments equals or exceeds substantially all of the fair value of the underlying property, goods, or services; (5) the underlying property, goods, or services is of such a specialized nature that it is expected to have no alternative use to the lessor at the end of the lease term.

“School materials” means items commonly used by a student in a course of study. “School materials” includes the following items: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes;

legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. “School materials” does not include any item purchased for use in a trade or business.

“School meals” includes breakfasts, lunches, or the serving of foods or beverages, or both, or any combination thereof, served by a school cafeteria or a school lunchroom.

“School transportation” means transportation of students to and from schools in motor or other vehicles.

“Seller” means: a person making sales of property, products or services, or a marketplace facilitator acting on behalf of a seller

“Senior citizen” means any individual defined by a taxing jurisdiction as qualifying for an age-based exemption from sales tax.

“Smoked fish” means a freshwater or saltwater finfish that is prepared by treating it with salt (sodium chloride) and subjecting it to the direct action of the smoke from burning wood, wood sawdust, or similar burning material or from liquid smoke flavoring applied to the surface in a gaseous, liquid, or vaporized state with or without heat.

“Snowmobile” means a motor vehicle designed to travel over ice or snow, and supported in part by skis, belts, cleats, or low-pressure tires.

“Software downloads” means software, applications, services and other digital programming for computers, tablets, smartphones and other electronic devices. This includes online subscriptions or purchases of news services, publications, audio books and other similar electronic versions of printed materials.

“Software maintenance contracts” means a contract that obligates a vendor of computer software to provide a customer with future updates or upgrades to computer software, support services with respect to computer software or both. A “mandatory computer software maintenance contract” is a computer software maintenance contract that the customer is obligated by contract to purchase as a condition to the retail sale of computer software. An “optional computer maintenance contract” is a computer software maintenance contract that a customer is not obligated to purchase as a condition to the retail sale of computer software.

“Specified digital products” means electronically transferred:

- (1) digital audio works;
- (2) digital audiovisual works; or
- (3) digital books.

“Streaming services” means digital content provided online for on-demand consumption rather than downloadable consumption. This typically includes, but is not limited to, video and audio

files.

“Tax free days” means a duration of time in which persons who purchase goods or services are exempt from the Sales tax of the taxing jurisdiction.

“Telephone service” means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system.

“Ticket admission” means the paid right or privilege to enter into or use a place or location.

“Title insurance premium” means and includes premium, examination fees, settlement fees, closing fees, and every other charge, whether denominated premium or otherwise, made by a title insurance company, agent of a title insurance company or an approved attorney of a title insurance company, or any of them, to an insured or to an applicant for insurance, for any policy or contract for the issuance of, or an application for any class or kind of, title insurance.

“Tobacco” means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

“Transportation services” means the transportation of individuals for hire.

“Travel agency” means a person or organization who represents, directly or indirectly, that the person or organization is offering or undertaking by any means or method, to provide travel services for a fee, commission, or other valuable consideration, direct or indirect.

Item Attachment Documents:

2. Airport Commission

**KENAI AIRPORT COMMISSION
REGULAR MEETING
DECEMBER 12, 2019 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
CHAIR GLENDA FEEKEN, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Feeken called the meeting to order at 6:00 p.m.

a. Pledge of Allegiance

Chair Feeken led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Commissioners Present: G. Feeken, D. Pitts, J. Bielefeld, P. Minelga, K. Dodge

Commissioners Absent: J. Zirul

Staff/Council Liaison Present: Airport Manager M. Bondurant, Council Liaison H. Knackstedt

A quorum was present.

c. Agenda Approval

MOTION:

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

2. SCHEDULED PUBLIC COMMENT – None.

3. UNSCHEDULED PUBLIC COMMENT – None.

4. APPROVAL OF MEETING SUMMARY

a. October 10, 2019

MOTION:

Commissioner Minelga **MOVED** to approve the meeting summary of October 10, 2019 and Commissioner Bielefeld **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

- a. **Discussion/Recommendation** – Vending Machine Concession to Tyler Distributing Company

MOTION:

Commissioner Minelga **MOVED** to recommend Council approve the Airport Vending Machine Concession with Tyler Distributing Company; Commissioner Dodge **SECONDED** the motion. There were no objections; **SO ORDERED**.

7. REPORTS

- a. **Airport Manager** - Bondurant reported on the Capital Improvement Program, provided an update of the Kenai Municipal Airport project, and discussed mid-month reports.
- b. **City Council Liaison** – Knackstedt reported on the December 4 City Council meeting actions and that Crowley updated their pumps to show a price and print a receipt.

8. NEXT MEETING ATTENDANCE NOTIFICATION – January 9, 2019

9. COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Minelga inquired about paying by cell phone for parking at the airport.

10. ADDITIONAL PUBLIC COMMENT

11. INFORMATION ITEMS

- a. October 2019 Mid-month Report
- b. October 2019 Float Plane Basin Activity
- c. October 2019 Enplanements
- d. November 2019 Mid-month Report
- e. December 2019 Mid-month Report
- f. Airport Bulletin 14-2019 Security Awareness – Airport Security Threats

12. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 6:47 p.m.

Meeting summary prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

Item Attachment Documents:

4. Park and Recreation Commission

**KENAI PARKS & RECREATION COMMISSION
DECEMBER 5, 2019 – 6:00 PM
KENAI CITY COUNCIL CHAMBERS
CHAIR CHARLIE STEPHENS, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Chair Stephens called the meeting to order at 6:03 p.m.

a. Pledge of Allegiance

Chair Stephens led those assembled in the Pledge of Allegiance.

b. Roll was confirmed as follows:

Commissioners present: C. Stephens, S. Kisen, T. Winger, J. Joanis

Commissioners absent: T. Wisniewski, J. Dennis

Staff/Council Liaison present: Parks & Rec Director B. Frates, Council Liaison B. Molloy

A quorum was present.

c. Agenda Approval

MOTION:

Commissioner Kisen **MOVED** to approve the agenda as presented and Commissioner Winger **SECONDED** the motion. There were no objections; **SO ORDERED**.

2. SCHEDULED PUBLIC COMMENTS – None.

3. UNSCHEDULED PUBLIC COMMENT

Jim Glendening reported on the upcoming Census and the need to take into account the homeless population when moving forward.

4. APPROVAL OF MEETING SUMMARY

a. October 3, 2019

MOTION:

Commissioner Joanis **MOVED** to approve the meeting summary of October 3, 2019 and Commissioner Kisen **SECONDED** the motion. There were no objections; **SO ORDERED**.

b. November 7, 2019

MOTION:

Commissioner Kisen **MOVED** to approve the meeting summary of November 7, 2019 and

Commissioner Winger **SECONDED** the motion. There were no objections; **SO ORDERED**.

c. November 25, 2019 (Joint Meeting)

MOTION:

Commissioner Joanis **MOVED** to approve the joint meeting summary of November 25, 2019 and Commissioner Winger **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

a. **Discussion** – 2019 Dip Net Report

The Parks and Recreation Director referred to the report in the packet, highlighting some of the department's tasks and specific observations, namely bluff educational signs. It was noted the report included memorandums from the City Manager, Finance, Police, and Public Works.

Positive comments were expressed; specifically the push notification attribute on the dip net app, and it was noted that transactions were up 15 percent over 2018.

The Director further noted the department had one beach aide position this season but they were able to keep up with needed patrols, essentially splitting time between the north and south beach, concentrating efforts where needed the most.

7. REPORTS

- a. **Parks and Recreation Director** – The Parks and Recreation Director reported on the upcoming events of Holiday Night Lights and Skate with Santa, and noted a monthly report was included in the packet detailing more information.
- b. **Commission Chair** – Stephens noted follow-up for letters of re-appointment that were sent out by Administration and he thanked everyone for their service.
- c. **City Council Liaison** – Molloy reported on the action items, presentations and topics of interest from the December 4 City Council meeting.

8. NEXT MEETING ATTENDANCE NOTIFICATION – January 2, 2020

Chair Stephens noted he would be absent at the next meeting.

9. COMMISSION QUESTIONS & COMMENTS

Commissioner Winger commented that the activities for the kids were exciting and she thanked the department for heading them up.

10. ADDITIONAL PUBLIC COMMENT – None.

11. INFORMATION

- a. November/December Monthly Report
- b. Department Newsletter – “Kenai Breeze”
- c. Santa Tours Kenai
- d. Kenai Fine Arts Center Gallery Show
- e. Multi-Purpose Facility Ice Schedule – December 2019

12. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 6:50 p.m.

Meeting summary prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

Item Attachment Documents:

1. City Manager



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
 Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

January 7, 2020

The Honorable Peter Micciche
 145 Main Street Loop, Ste. 217, Room 226
 Kenai, AK 99611

RE: Kenai River Personal Use Fishery Permit Fees

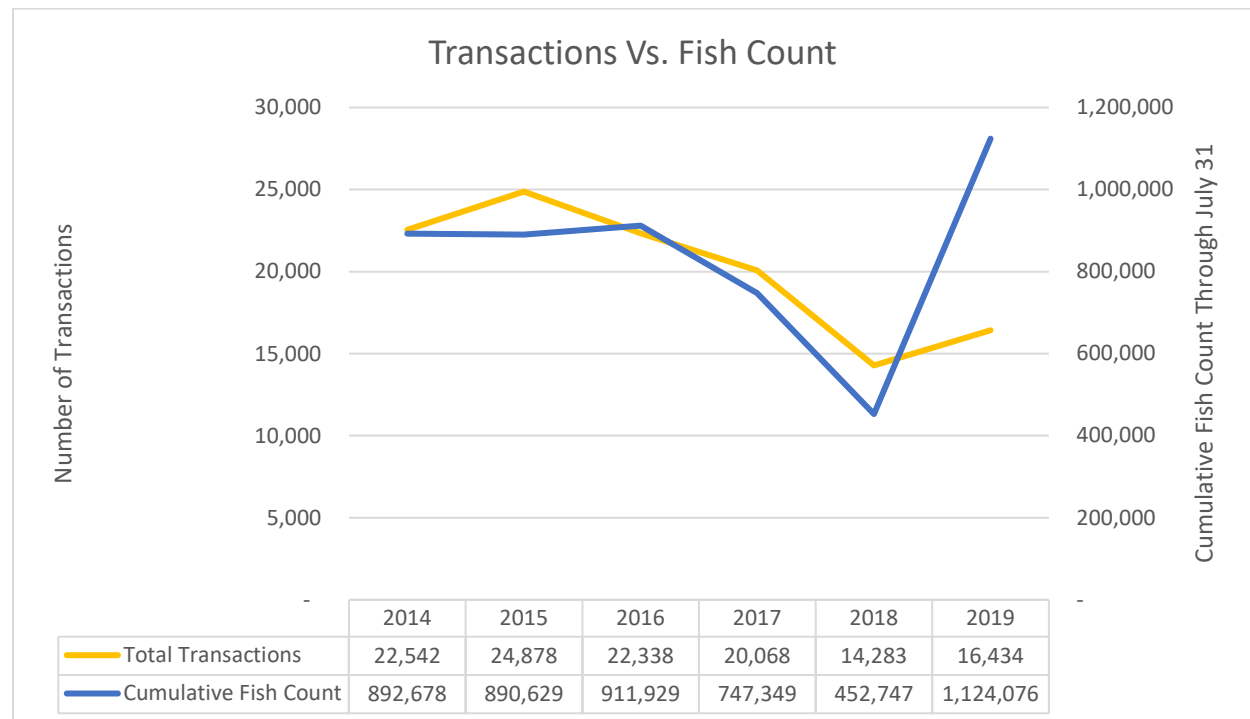
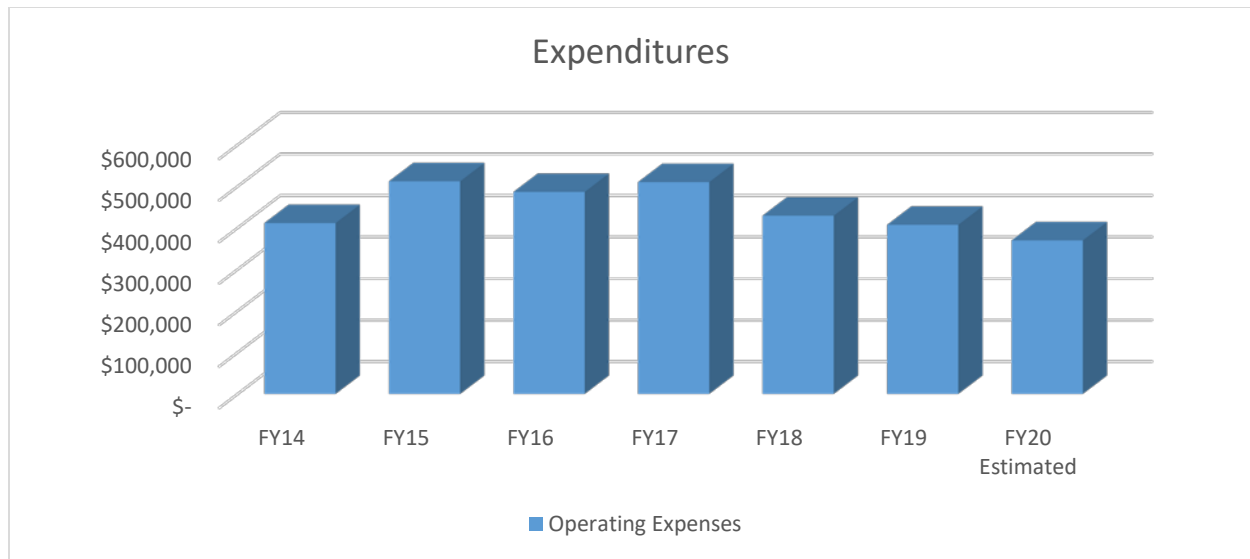
Dear Senator Micciche,

The Kenai River Personal Use Fishery is the most popular fishery in Southcentral Alaska and takes place at the mouth of the Kenai River within the City of Kenai city limits. Alaskans harvest an average of 350,000 sockeye salmon annually among approximately 30,000 permit holders. Participants must purchase a sportfishing license, but dipnet permits are free. Based on the factors discussed below, the City of Kenai recommends that the State enact a small dipnet permit fee paid for by participants to support the fishery in Kenai as well as other personal use dipnet sites.

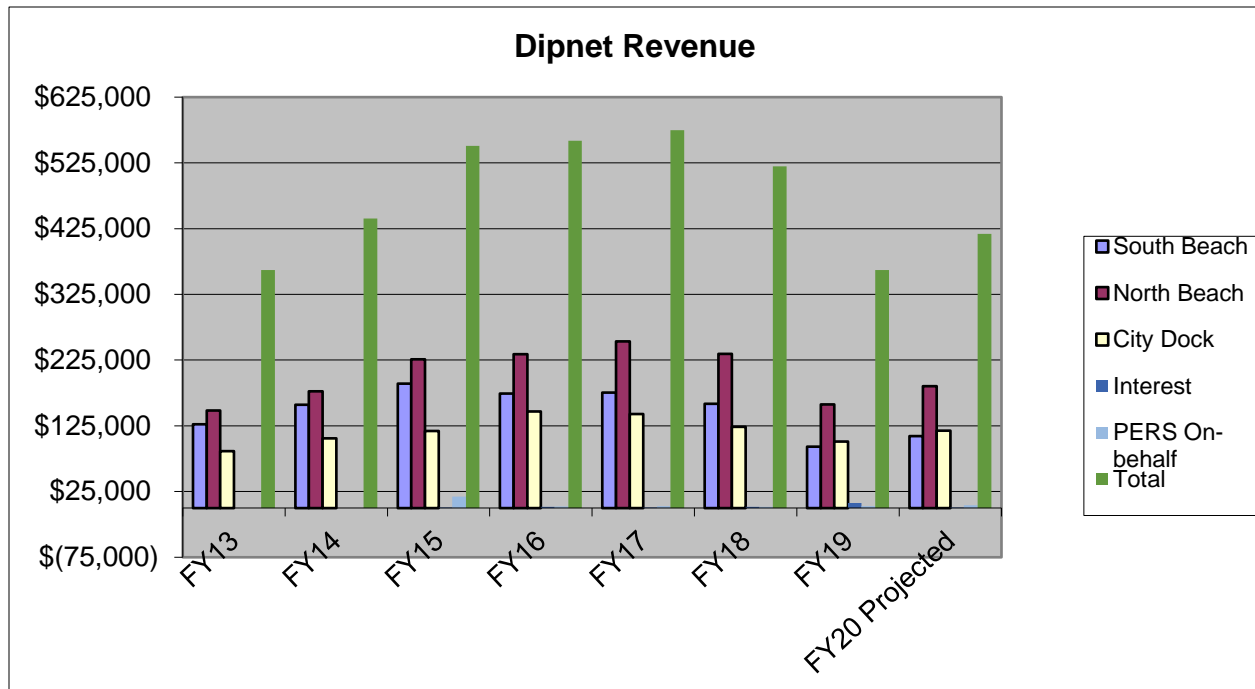
Since the beginning of the fishery in 1996, the City of Kenai has provided services and support, including parking areas, launch ramp and docking facilities, restroom facilities, fish waste and garbage management, extensive and continuous beach raking and clean up, camping, law enforcement, and emergency services. We've refined the City's approach to managing the fishery over the years, and in 2018 we developed the Dipnet App, which provides useful information to participants, including fish counts, webcams, fee calculators, and push notification capabilities that help keep people safe.

We continually strive to make the fishery safe and enjoyable while minimizing the impacts on sensitive habitat areas and the residents of Kenai. Our management of the fishery has evolved over the years to provide the best possible experience to the personal use participants. Operations are now more efficient and effective than ever, and we have accomplished this while reducing expenditures significantly over the last four years.

The City of Kenai plans to continue to provide a high level of service in support of the fishery. However, due to inconsistent participation over the last four years, it is evident the fees we collect, such as a daily drop-off pass or fee for overnight parking, to support the fishery are not sufficient to cover the costs that we incur. As shown on the graph below, this trend was confirmed during the 2019 fishery, when despite the greater return of sockeye to the river (fish counts were up 36% over the five-year average), the number of transactions was down 16% over the same period.



The corresponding loss of revenues will not sustain our operations. In FY2019, the City of Kenai operated the personal use fishery at a net loss of \$95,100. In FY2020, despite reducing budgeted expenditures by \$56,000, fish counts significantly higher than what we have seen historically, and recognizing an increase in revenues of almost \$60,000, the City projects that we will operate the fishery at a net loss of almost \$3,000. Last summer's fishery should have represented a year in which the City replenished our Personal Use Fishery Fund Balance, yet we continued to operate in the red.



The following photo, one of many taken in 2011, shows what the Kenai Beach looked like before the City of Kenai refined our processes and began to actively rake the beaches at low tide and provide educational materials to fishery participants about how to clean and handle fish and fish waste. The City and fishery participants cannot let the fishery revert to this previous standard, which was becoming dangerous to the health and safety of participants. At the same time, the City and its residents should not have to continue to subsidize the fishery. The continued efforts and the City's management of the fishery have been critical to the health and safety of participants and the impact on local beaches. We have worked as efficiently as possible to avoid a reduction in services. Still, it has become necessary to find a solution to the revenue shortfalls and, based on our analysis, a minimal dipnet permit fee paid for by participants to support the fishery.



A dipnet permit fee of \$5 per personal use permit issued would generate enough revenue to allow the City of Kenai to sustainably provide the same level of support to the fishery as we have in the past. Based on the 5-year average number of permits issued, a \$5 permit fee would generate approximately \$157,000. Based on the same five-year period, 69.3% of the household days fished were in the Kenai Dip Net fishery. Distributing the revenues from a dipnet fee based on household days fished would result in approximately \$109,000 to the City of Kenai and approximately \$48,000 to the State of Alaska to support the other Upper Cook Inlet personal use fisheries.

HOUSEHOLD DAYS FISHED 2014-2018				
Year	Fish Creek	Kasilof Gillnet	Kasilof Dip Net	Kenai Dip Net
2014	1,792	1,389	10,236	36,380
2015	2,303	1,741	10,346	31,487
2016	0	1,962	9,334	30,745
2017	1,311	1,874	9,458	27,775
2018	2,324	1,616	9,377	20,170
Five year average	1,546	1,716	9,750	29,311
% of total	3.7	4.1	23.0	69.3
PERMITS ISSUED 2014-2018 - All UCI Water Bodies				
2014		35,989		
2015		34,920		
2016		31,216		
2017		29,981		
2018		24,722		
Five year average		31,366		
PROJECTED DIPNET USER FEE REVENUE - Based on Five Year Average				
	Fish Creek	Kasilof Gillnet	Kasilof Dip Net	Kenai Dip Net
% of total	3.7	4.1	23.0	69.3
At \$5 / permit	\$5,803	\$6,430	\$36,070	\$108,682
At \$7 / permit	\$8,124	\$9,002	\$50,499	\$152,155
At \$10 / permit	\$11,605	\$12,860	\$72,141	\$217,364

If you need additional information or would like to discuss further, I may be reached by email at postrander@kenai.city, and my office phone number is 283-8222.

Sincerely,

A handwritten signature in blue ink that reads "Paul Ostrander". The signature is written in a cursive, flowing style.

Paul Ostrander
City Manager



"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Mary Bondurant, Airport Manager
DATE: January 2, 2020
SUBJECT: **January Mid-month Report**

2018 Terminal Rehabilitation Project – Construction: The Brothers Café will reopen on January 9, 2020; all restrooms are open, the flooring is close to completion, temporary walls are down, and the north departure doors should be open in the next 10 days. The ceiling installation is scheduled for mid-January. New advertising displays are ordered and should arrive in February 2020. The USFW and State Parks staff will be on site Monday, January 6, to inspect their new area at the north end and develop display ideas.

2019 Alaska Fire Training Facility Rehabilitation & Acquire Aircraft Rescue and Firefighting Trucks (ARFF) – Project is moving forward with the ordering of two new ARFF vehicles from Oshkosh in January 2020.

In-house Activities –

Airport Operations – Mother Nature continues to throw some difficult weather at us; especially on the holidays this year. Operations staff worked long and hard to ensure aircraft operations were safe. There were no issues.

Airport Administration – Airport staff is gathering information for the FY21 budget, working on the development of the new City-wide Land Management Plan, and the Airport's Capital Improvement Program.

January 22-24, 2019 FEMA Visit – FEMA, State of Alaska, and Air Operations Planners and representatives will be in Kenai on January 22, 2019 to conduct an airfield assessment in preparation of writing Statewide Emergency Response Plans.





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
THROUGH: Dave Ross, Police Chief
FROM: Jessica "JJ" Hendrickson, Animal Control Chief
DATE: January 2, 2019
SUBJECT: December 2019 Monthly Report

This month the Kenai Animal Shelter took in **51** animals. Animal intake and disposition:

DOGS:				
	INTAKE	24	DISPOSITION	21
	Waiver	8	Adopted	12
	Stray	7	Euthanized	0
	Impound	1	Claimed	9
	Protective Custody	2	Field Release	0
	Quarantine	0	Transferred to Rescue	0
	Other Intakes	6	Other Dispositions	0
CATS:				
	INTAKE	26	DISPOSITION	31
	Waiver	9	Adopted	22
	Stray	17	Euthanized	0
	Impound	0	Claimed	2
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred to Rescue	7
	Other Intakes	0	Other Dispositions	0
OTHER ANIMALS:				
	INTAKE	1	DISPOSITION	1
	Chicken	1	Chicken	1
		0		
		0		



DOA:	7	OTHER STATISTICS:	
Dog	4	Licenses (City of Kenai Dog Licenses)	45
Cat	3	Microchips (Dog and Cat)	7

6	Animal dropped with After Hours (days we are closed but cleaning and with KPD)
17	Animals are <i>known</i> borough animals
19	Animals are <i>known</i> City of Kenai
6	Animals are <i>known</i> City of Soldotna
1	Animals from unknown location
4	Field Investigations & patrols
43.20	Volunteer Hours Logged
1	Citations
0	Educational Outreach

Statistical Data:

827	2017 YTD Intakes
829	2018 YTD Intakes
911	2019 YTD Intakes





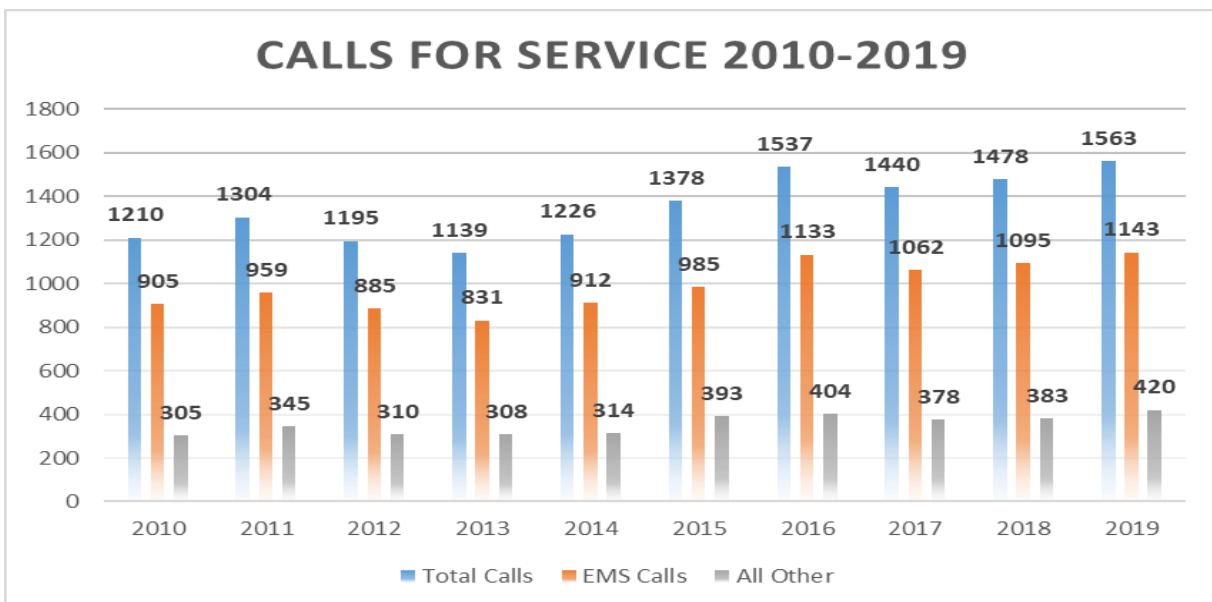
"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
 Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Jeff Tucker, Fire Chief
DATE: January 7, 2020
SUBJECT: Fire Department Mid-Month Report – December

In December the department responded to 159 calls for service as compared to 137 calls in December 2018. This is a 16.1% increase compared to December of 2018. For calendar year 2019 the department has responded to 1,563 calls for service as opposed to the 2018 which saw 1,478 responses. This is a 5.8% increase in calls for service and the highest call volume in the history of the department. Below is a chart of the last 10 years call data.



Each year the department is required to submit run data to the State of Alaska who in turn report that information to FEMA. Beginning in January 2019 the department at the request of the State eliminated issuing run numbers for Public Service Calls which include: public education events, station tours and other non-dispatched events. Those calls are not reflected in the year end totals and would have increased our call volume accordingly.

This year we had the shifts track Public Service Activities in a separate form in our records management system and refined the list to better reflect our activities. This is still a work in progress but for 2019 the department participated in 47 Public Service Activities, which contacted 2,394 people, and involved 315 staff hours.

During 2019 the department conducted 1,546 hours of staff training. This includes EMS, Fire, Airport, and other areas of training. Training activities range from attendance at conferences, the National Fire Academy, recertification training, and shift training.

During December the department along with Central Emergency Services and Nikiski Fire Department conducted evaluations on SCBAs to be purchased by the departments and funded through a FEMA Assistance to Firefighters Grant.

The department also conducted its annual Holiday party which was well attended as our department members families continue to grow.



"Village with a Past, City with a Future"


210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Ryanna Thurman
DATE: January 6, 2019
SUBJECT: Library Mid-Month Report

NOVEMBER Circulation Figures

Adult Fiction	1,185	Internet Access	629
Adult Non-Fiction	960	iPad use	141
Young Adult Fiction	139	Games	13
Periodicals	66	Room Booking	123
Juvenile Fiction	322	Music	20
Juvenile Non-Fiction	311	DVDs	2,019
Easy Fiction	885	Audio books	52
Easy Non-Fiction	96	Miscellaneous	99
Interlibrary Loan	10	Computer Programs	
Books – Consortium	210	Media – Consortium	205
Total Print	4,184	Total Non-Print	3,301

	Total Circulation 12/19	7,485	Downloadable Audio	623
	Total Circulation 11/18	7,206	Downloadable EBooks	526
	% change	+3.8%	% change in downloadable from 2018	-1.7%
	In-House circulation	218		





Library Door Count..... 6,261

Income

Fines	\$ 276.86
Xerox	0.00
Lost/Damaged	81.71
Test Proctoring Fee	80.00
Printing	186.00
Other	
Total income	\$ 624.57



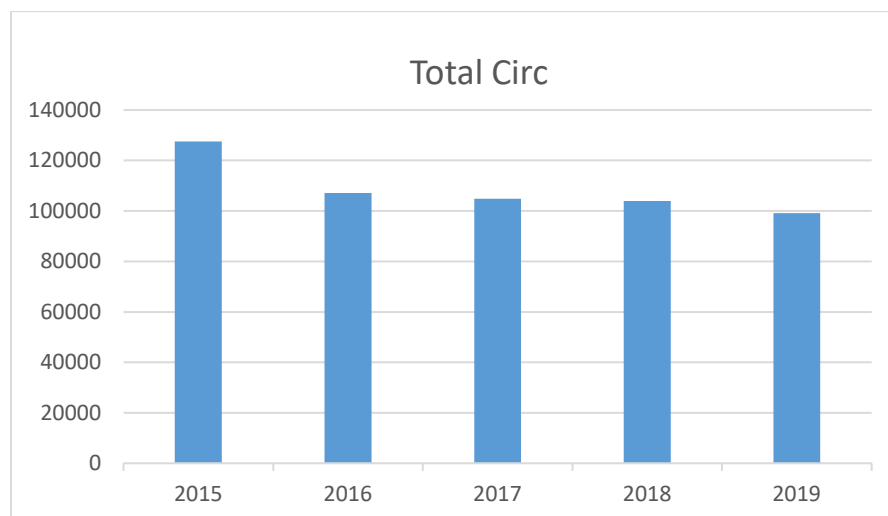
Library Cards Issued OCTOBER

Homer	0
Kasilof	1
Kenai	21
Nikiski	4
Non-Resident	1
Other Peninsula	1
Soldotna	1
Sterling	0

Total 29



In December, 3 volunteers worked about 20 hours. There were 20 children's programs with 479 total that participated, and 14 adult and family programs with 197 participants.





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Robert J. Frates, Parks & Recreation Director
DATE: January 7, 2020
SUBJECT: Mid-month Activity Report

A total of 113.25 hours were reserved at the multi-purpose facility compared to 106 last year during this time. A total of 363.50 hours have been reserved to date. The primary user groups to date for the season include the Kenai Peninsula Hockey Association (208), Kenai Central High School (76), Queens (37.50), Hockey Club Alaska-Northern Knights (31) and Nikiski Hockey (9).

The department's Skate with Santa and Holiday Night Lights were both successful events with each having solid participation. The Skate with Santa activity was just one part of a larger program involving the Kenai Senior Center (Breakfast with Santa) and Kenai Community Library (Mrs. Claus Story Time). This year's theme was Have a Holly, Jolly Day in Kenai.

Below is a list of recent activities and work accomplishments for the month of December.

- 19.5 hours were spent grooming the Kenai Nordic Trails. KCHS skiing is in mid-season and the KMS ski season begins January 7.
- 42.75 hours were spent on sidewalk maintenance (snow removal, ice control, inspections)
- 12.5 hours were spent plowing various parking lots (golf course, cemetery, Daubenspeck Family Park, Municipal Park).
- Approximately 30 hours were spent replacing dasher board advertisements at the MPF.
- 2 hours measuring and assessing ice conditions at Daubenspeck Family Park. Crew is presently removing snow from ice and prepping for skating.
- A total of 17 hours were spent removing snow from hydrants.
- In addition to the above activities, routine maintenance such as restroom cleaning, inspections and waste management tasks occurred.
- Staff completed the upcoming 2020 department calendar.





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Elizabeth Appleby, City Planner
DATE: January 7, 2020
SUBJECT: Planning and Zoning December 2019 Report

Below are a summary of activity in December 2019 for the Planning and Zoning Department.

Planning and Zoning Commission Agenda Items and Resolutions

The Planning and Zoning Commission did not meet in December 2019 due to the holidays and a lack of agenda items.

Code Enforcement

1 case was opened in December 2019 for an Abandoned Vehicle.

Staff is meeting with Kenai Police for an on-going issue of trespassing in the Black Gold Estates Subdivision off of Alpine Drive.

Grants

The City Planner is working with the Fire Department to apply for a grant for fuel reduction to address the risk of wildland fire associated with dead trees affected by the spruce bark beetle outbreak. The City Planner is exploring a grant opportunity to fund signs in Old Town Kenai. A grant was received for security cameras surrounding the historic cabins in Old Town Kenai and is before City Council to appropriate.

Plans

The Draft Hazard Mitigation Plan was submitted to the State of Alaska for review.





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
 Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

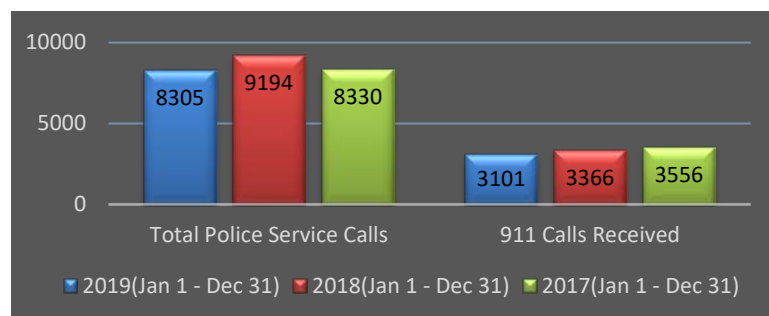
TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: David Ross, Police Chief
DATE: January 6, 2020
SUBJECT: **Police & Communications Department Activity – December 2020**

Police handled 573 calls for service in October. Dispatch received 264 9-1-1 calls. Officers made 54 arrests. Traffic enforcement resulted in 173 traffic contacts and 57 traffic citations. There were 4 DUI arrests. Officers investigated 21 motor vehicle crashes. There were three collisions involving moose. There was one collision involving drugs or alcohol.

December training included: The KPD officer on the SERT team completed two days of training. One officer attended a week long less-lethal instructor course in Wasilla. One dispatcher attended a week long Incident Response to Terrorism class in New Mexico.

The officer that completed the Sitka Academy is in Field training. A lateral officer from Arizona started in December and is in Field Training. A former officer has been re-hired and is set to start work in January. One officer resigned and that position remains to be filled.

The Police Department helped organize and multiple officers participated in "Shop with a Cop" to help local kids get Christmas presents. This was done in coordination with Crime Stoppers, the School District, Walmart, and other central peninsula law enforcement agencies.





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Public Works Director
DATE: January 2020
SUBJECT: **Mid-Month Report; Public Works / Capital Projects**

- Terminal Building Rehabilitation Project – Blazy Construction was issued a Notice to Proceed on October 1, 2018. The project is approximately 88% complete to date. *This period much of the flooring has now been installed throughout the terminal, the restaurant is set to reopen on January 9, 2020, mechanical systems are nearing completion with balancing and commissioning of equipment set to begin in the next three to four weeks. Exterior composite panels at the entries are nearly complete, exterior metal panels remain in production and are currently scheduled to ship at the end of January with final installation beginning likely mid-February. The Project Completion per the contract currently remains at February 20, 2020, metal panel installation will extend into late March, landscaping into May. The A/E Team and Contractor have processed roughly 98% of the required submittals, as well as responding to 234 RFIs; 148 Change Requests have been processed with Seven Change Orders executed to date; the project is nearing completion and the team continues to work together well. See progress photos below.*





Looking toward North Entrance



Departure entrance canopy

- Alaska Regional Fire Training Facility Building Rehabilitation Project – A Notice to Proceed was issued to Orion Construction on October 4, 2019. The Original Contract is for \$1,938,755, 93.75% of which is funded by an FAA Grant. The contract is 32% complete to date. The Design Team and contractor have processed about 60% of required submittals, and have responded to 7 RFIs. The Project is Proceeding Well. *The roofing is 100% complete, light fixtures are on sight and are being replaced, mechanical systems are awaiting arrival. One*



change order is about to be processed for a small unit heater replacement in the effluent building which is not operational, cost is \$8,242.73. Contractor is now back on site after the Holidays and the project continues to move forward, ahead of schedule.

- Alaska Regional Fire Training Facility Equipment Rehabilitation Project - A Notice to Proceed was issued to Kirila Fire on October 4, 2019. The Original Contract is for \$1,993,000, 93.75% of which is funded by an FAA Grant. With the Contractor mobilized to the site and the work that has taken place on the burn pit so far the contract is *18% complete to date. The Contractor continues to work through submittals with the Design Team, and is now back on site after the holidays. Metal deck grating is in fabrication, contractor is working on tenting off area for new trainer wet deck in preparation for pouring concrete early February.*
- Automated Flight Service Station Renovations Phase 3 (Interior remodel) – All work associated with this project is now complete. On 11/18/19 the City of Kenai sent the final invoice to the FAA for reimbursement of the work requested by the FAA. Reimbursement is pending. *1/7/20 Awaiting FAA reimbursement.*
- Dock repair – The City Dock received some new damages as a result of the November 30, 2018 Earthquake. *Update: Contract Amendment to Nelson Engineering is pending to complete the revisions to bid documents under the direction of our insurer. Anticipating this project going out for Bid in February 2020 with work taking place May/June 2020.*
- Senior Center Carpet Replacement – Floorever has begun the flooring replacement, preparations for vacating the space began on 1/3/20 and completion is anticipated for 1/13/20 in time for a previously scheduled event for the facility. Work is progressing well, photo below.



- Recreation Center Improvements – Grant extension was requested to allow additional time to coordinate with other projects, grant now expires June 30, 2020. Hansen Roofing completed hot mop and cap sheet repairs to specific areas of the building for a contracted cost of \$9,315. Work was successful as areas that had been leaking are no longer. Other repair work will be contracted over the winter months with work taking place next spring.
- Kenai Cemetery Expansion 2018 – Project Documents were recently finalized. The Public Works Department is completing a majority of this work in house. Storm Water Protection Plan has been developed and submitted with the state. Clearing of the site is now complete, installation of parking lot base is now complete. Project will continue to be on hold until spring when fencing, HEA Power, and asphalt work will be completed.
- Peninsula Avenue Bluff Erosion 2018 – Design Documents are now 100% complete. Invitation to Bid is anticipated for February 2020.
- Kenai Municipal Airport Crack Seal and Pavement Marking – The City released a formal Invitation to Bid on May 7, 2019 with Bids received on 5/28/19. Two Bids were received with Northwest Contracting dba Pacific Asphalt being the lowest responsive responsible bidder at \$713,998.50. Notice to Proceed was issued on July 11, 2019 to Northwest Contracting LLC, the project is approximately 95% complete; with the passage of Ordinance 3078-2019 which added additional funds, \$169,900, to complete some additional crack sealing and hydro-blasting as requested through Change Order 1. Substantial Completion per the contract is September 24, 2019 and the Contractor completed all work on September 23, 2019 one day ahead of schedule. *Update: Project continues with finalization of closeout paperwork, waiting on a few subcontractor certified payrolls before final payment can be released.*
- USACE Bluff Erosion – See City Manager's report. Director's Report from the Army Corp of Engineers was signed April 10, 2019.
- DOT KSH Rehabilitation (Widening to 5 lanes) Phase 1 Swires Rd. to Eagle Rock Dr. was bid on March 30, 2018. City of Kenai water main replacement crossing KSH at Shotgun/Beaver Loop designed, funded, and will be bid with DOT project. The 16" new water main associated with this project has now been installed under the Highway. Wolverine continues with the project, the roadway has now been paved, ditch work final grading and bike path work are taking place as well. *Update: Project is shut down for winter, side street approaches were not paved with the Spur and will require maintenance throughout the winter as potholes in the gravel areas are already starting to appear.*
- DOT KSH Rehabilitation (Widening to 5 lanes) Phase 2 Eagle Rock Dr. to Sports Lake – ADOT advises this project will may have some right of way clearing taking place before winter with the majority of the work taking place next year.



- DOT Beaver Loop Road and Pedestrian Pathway Project – QAP was awarded the project. Signage was posted the week of June 10th, clearing of the right of ways and directional boring of utilities is actively underway. DOT advises final asphalt for both the new road and bike path will not be until May/June 2020. *Update: Subgrade and driveway approaches continued to be worked on for this period, establishing ditch lines, installation of utilities. QAP is pretty much shutting down for winter now.*
- Staff has also been working on Request for Proposal documents for the following projects: Kenai Fire Department SCBA Equipment released on 11/15/19, pending contract award within this packet; WWTP RAS/WAS Pump Replacement Drawings released 12/5/19 with MBA Consulting the successful proposer currently working on the drawings, Vintage Point Boiler Replacement Design anticipated release of 1/13/20, Kenai Municipal Airport Professional Engineering Services Term Contract 5 years anticipated release of 1/20/20, Water, Sewer, Waste Water Professional Engineering Services Term Contract 5 years anticipated release of 1/20/20.





"Village with a Past, City with a Future"

210 Fidalgo Ave, Kenai, Alaska 99611-7794
 Telephone: (907) 283-7535 | Fax: (907) 283-3014
www.kenai.city

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: January 6, 2020
SUBJECT: December 2019 Monthly Report

Congregate Meals Served (Dining Room)	1328
Home Delivered Meals	1454
Volunteer Hours	(26 individuals) = 293
Unassisted Transportation Rides	351
Assisted Transportation Rides	115
Social Security Video Service	38 individuals
Senior Center Rentals	3
Total Event Sign-Ins (through MySeniorCenter)	2354
Total Unduplicated Participants (through MySeniorCenter)	243

December activities highlights included:

- The Center enjoyed wonderful Christmas music through this month. Special guests included: Riverside Harmony, Kenai Senior Center Choir, Jim & Elana Pate, John Macanas, Donna Atkins-Weaver, and Barbara Modigh. The New Year's Eve Talent Show also included several musical acts and original readings. We are blessed to have so much local talent who enjoys sharing their gifts.
- Our seniors contributed towards the local Toys for Kids through Mtn. View Elementary. Over \$400 and two large bags of toys were delivered to help ensure Christmas for local school children. Kenai Senior Connection, Inc. also sponsored a food drive for local seniors. With the Connection purchasing holiday meats, and the quilters donating lap blankets, 30 bags went out to senior homes just in time for Christmas.
- Holiday parties included: St. Nicholas Day; Christmas Birthday Party; Senior Center Christmas Party; Breakfast with Santa (with over 150 kids/parents in attendance); and a New Year's Eve Bruch. Christmas is always a special time for the Center as many of our seniors live alone and don't have family members with whom to celebrate.



Item Attachment Documents:

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

PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: JANUARY 15, 2020

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
AIRGAS	REPAIRS TO WELDER	SHOP	REPAIR & MAINTENANCE	3,268.97
YUKON EQUIPMENT	OSHKOSH PARTS	SHOP	OPERATING SUPPLIES	10,562.62
STATE OF AK PUBLIC SAFETY ACADEMY	TUITION	POLICE	TRANSPORTATION	3,009.90
ZUMAR	MISC. SIGN ITEMS	STREETS	OPERATING SUPPLIES	2,418.63

Item Attachment Documents:

2. FERC Revised Environmental Assessment Schedule - Trans Foreland Project

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Trans-Foreland Pipeline Company, LLC

Docket No. CP19-118-000

NOTICE OF REVISED SCHEDULE FOR ENVIRONMENTAL REVIEW OF THE
KENAI LNG COOL DOWN PROJECT

(December 12, 2019)

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for Trans-Foreland Pipeline Company, LLC's (Trans-Foreland) Kenai LNG Cool Down Project. The first notice of schedule, issued on June 19, 2019, identified December 13, 2019 as the EA issuance date. In its October 2019 response to Commission staff's data requests, Trans-Foreland states that it will not file certain information until January 2020. Further, Commission staff also issued a follow-up data request to Trans-Foreland on December 9, 2019, requiring Trans-Foreland to clarify certain critical and complex information and address data gaps that were not addressed by Trans-Foreland in previous responses to staff data requests. As a result of Trans-Foreland's representations that this critical data will not be filed until sometime in January and the need for Commission staff and cooperating agencies to review this information, Commission staff has revised the schedule for issuance of the EA. The revised schedule for the EA is based upon Trans-Foreland providing complete responses to outstanding data requests in the timeframes it has identified and as requested in the December 9 data request.

Schedule for Environmental Review

Issuance of the EA	April 24, 2020
90-day Federal Authorization Decision Deadline	July 23, 2020

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document

Docket No. CP19-118-000

2

summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website (www.ferc.gov). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (i.e., CP19-118), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Kimberly D. Bose,
Secretary.

Item Attachment Documents:

3. Kenai Visitor and Cultural Center Report - November 2019



Kenai Chamber of Commerce and Visitor Center

Kenai Visitor and Cultural Center Report November 2019

Page 175

KVCC Walk in Visitor Count

Month	2015	2016	2017	2018	2019
November	2,519	1,890	2,117	1,639	2,686

*Of the 2,686 KVCC walk-ins, we estimate 333 attendees for facility rentals, 1,668 for Chamber Luncheons and Christmas Comes to Kenai. The remaining 685 would be visitor traffic.

Official Kenai Guide Mailings

Month	2015	2016	2017	2018	2019
November	572	293	0	256	256

Official Kenai Guide Display Racks

Location	2016	2017	2018	2019
Airport Hotel – Kenai	55	0	0	20
Aspen – Kenai	0	0	0	0
Aspen – Soldotna	0	0	0	0
Charlotte’s Restaurant			0	75
City Hall	0	0	0	50
Country Foods/IGA	0	0	0	26
Diamond M Ranch	0	0	0	0
Everything Bagels	0	0	0	0
Kenai Airport	0	0	27	0
Kenai Wash & Dry				0
Paradisos Restaurant	0	0	0	30
Quality Inn	0	0	0	0
Safeway – Kenai	0	0	0	85
Safeway – Soldotna			0	20
Soldotna Inn	0	0	0	0
Sportsmans Warehouse	0	0	0	30
The Cannery Lodge			0	0
Three Bears	0	0	0	30
Veronica’s	0	0	0	30
Other				
November Total Guide Count	55	0	27	396



Kenai Chamber of Commerce and Visitor Center

Kenai Visitor and Cultural Center Report

November 2019

Page 176

Note: In January, we send guides to Anchorage Brochure Distribution to distribute to the following locations throughout the year. ABD also supplies literature to many hotels and businesses that do not have one of their displays.

Downtown

Downtown Tour Group
4th Street Mall
Anchorage Guesthouse
Anchorage Grand Hotel
Anchorage Historic Hotel
Clarion Suites
Comfort Inn
International Auto Logistics
Marriott
Ramada
Ship Creek RV
The Aviator
Quality Inn

JBER

Outdoor Rec Ft. Rich
Oasis Travel
YMCA
Outdoor Rec Elm AFB
Airforce Inn

Whittier/Girdwood

Inn at Whittier
Portage Train Station

Midtown

Best Western Golden Lion
AAA Travel
Clippership RV
Extended Stay
Golden Nugget RV
Cruise America RV Rentals
Fairfield Inn Marriott
Hilton Garden Inn
Home2 by Hilton
Marriott
Springhill Suites 36th
Springhill Suites Providence

Spenard

ABC Motorhome
ALEX Inn & Suites
Coast International Inn
Comfort Suites
Courtyard Marriott
Executive Suites
Holiday Inn Express
La Quinta
Midnight Sun Car Rental
Rent-A-Subaru
Puffin Inn
Microtel
Barratts Travel Lodge

of guides sent to Anchorage Brochure Distribution in January
5yr Comparison

	2015	2016	2017	2018	2019
Anchorage Brochure Distribution	20,000	20,000	15,000	15,000	22,425*

*Anchorage Brochure ran out of guides in July. We shipped 7,425.



Kenai Chamber of Commerce and Visitor Center

Kenai Visitor and Cultural Center Report

November 2019

Page 177

Facility Rental/Community Usage

<u>Organization/Company</u>	<u>Hours of Usage</u>
Alaska Support Industry Alliance Luncheon	3
Alaskan Veteran's Affairs	3
Christmas Comes to Kenai	7
Hilcorp Contractor Meeting	4
Kenai Chamber Board Meetings	2
Kenai Chamber Luncheons	6
Kenai Historical Society Meeting	4
Leeshore Center	6
November Facility Usage:	35