



Kenai City Council - Regular Meeting

September 02, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

1. **Twyla Mundy** - Plan of Action-Need for Cold-Weather Shelter, Temporary Housing.

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration)
2. **Ordinance No. 3156-2020** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital Project Funds and Awarding a Construction Agreement for Improvements to the Wasting Activated Sludge Pumps at the Waste Water Treatment Plant. (Administration)
3. **Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate Certification. (Vice Mayor Molloy)

- 4. Resolution No. 2020-73** - Further Extending the Disaster Emergency Declaration for the City of Kenai Made on March 18, 2020 in Response to the COVID-19 Health Emergency. (Administration) [*Clerk's Note: Ordinance No. 3158-2020 is contingent upon this resolution being adopted.*]
- 5. Ordinance No. 3158-2020** - Increasing Estimated Revenues and Appropriations in the COVID-19 CARES Act Recovery Fund and Accepting a CARES Act Grant Passed Through the Kenai Peninsula Borough. (Administration)
- 6. Resolution No. 2020-70** - Amending the City's Grant Disbursement Program for Small Businesses and Non-Profit Organizations Utilizing Funds from the Coronavirus Aid, Relief, And Economic Security (CARES) Act and Authorizing the City Manager to Enter into Agreements with Alaska Housing Finance Corporation (AHFC) for Housing Relief Program Administration and with the Kenai Peninsula Food Bank for Food Distribution in Kenai. (Administration)
- 7. Ordinance No. 3159-2020** - Accepting and Appropriating a Municipal Arts & Culture Matching Grant from the Rasmuson Foundation in the COVID-19 CARES Act Recovery Fund. (Administration)
- 8. Ordinance No. 3160-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and the Airport Equipment Capital Project Fund and Decreasing Revenues and Appropriations in the Airport Equipment Capital Project Fund for Costs Ineligible Under the Federal Aviation Administration's Airport Improvement Grant Program for the Purchase of Snow Removal Equipment (SRE) - Loader With Attachments. (Administration)
1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Adoption (Requires Five Affirmative Votes)
- 9. Ordinance No. 3161-2020** - Increasing Estimated Revenues and Appropriations in the COVID-19 Cares Act Recovery Fund and Accepting a CARES Act Grant Passed through the Kenai Peninsula Borough for Kenai Senior Center Expenditures in Response to the COVID-19 Public Health Emergency. (Administration)
1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Adoption (Requires Five Affirmative Votes)
- 10. Resolution No. 2020-71** - Approving an Airline Operating Agreement and Terminal Area Lease with Corvus Airlines, Inc., D/B/A Ravn Alaska. (Administration)
- 11. Resolution No. 2020-72** - Approving the Execution of a Forty-Five Year Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Alaska Air Fuel, Inc., for a Portion of Lot 5, FBO Subdivision No. 8. (Administration)
- 12. Resolution No. 2020-74** - Amending the Agreement for Emergency Services Training and Clinical Experiences with the University of Alaska to Accommodate Overnight Stays and Update Insurance Requirements. (Administration)

- 13. Resolution No. 2020-75** - Adopting Joint Resolution No. 2020-001 of the Assembly of the Kenai Peninsula Borough and Councils of the City of Kenai and City of Soldotna Encouraging All Residents to Take the Necessary Precautions and Follow the Recommended Preventative Measures of the CDC to Reduce the Spread of COVID-19 in Our Community During the Public Health Emergency. (Mayor Gabriel)

E. MINUTES

- 1.** *Regular Meeting of August 19, 2020. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

- 1.** *Action/Approval - Bills to be Ratified. (Administration)
- 2.** *Action/Approval - Purchase Orders Over \$15,000. (Administration)
- 3.** *Ordinance No. 3162-2020 - Amending Municipal Code Section 23.50.010 – Employee Classification, to Amend a Class Title in the Supervisory and Professional Class. (Administration)
- 4.** Action/Approval - Amending an Employment Agreement between the City of Kenai and City Clerk, Jamie Heinz, to Extend the Agreement. (Mayor Gabriel)
- 5.** Action/Approval - Special Use Permit to Boys and Girls Club of the Kenai Peninsula for Temporary Use of Facilities at the Fire Training Facility. (Administration)
- 6.** Discussion - Response to COVID-19. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

1. Review and Discussion of the Terms of Employment Agreements for the City Manager, City Attorney, and City Clerk which, Pursuant to AS 44.62.310(c)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the City Manager, City Attorney, and City Clerk 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.

a. Action/Approval – Amending an Employment Agreement between the City of Kenai and City Attorney, Scott Bloom. (Mayor Gabriel)

b. Action/Approval - Amending an Employment Agreement between the City of Kenai and City Manager, Paul Ostrander. (Mayor Gabriel)

c. Action/Approval - Amending an Employment Agreement between the City of Kenai and City Clerk, Jamie Heinz. (Mayor Gabriel)

M. PENDING ITEMS

1. **Substitute Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.]
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) [**Clerk's Note:** At the August 19 Meeting, this item was Postponed to the 10/21/20 Council Meeting; a motion to enact is on the floor.]

N. ADJOURNMENT

O. INFORMATION ITEMS

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

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

Join Zoom Meeting

<https://us02web.zoom.us/j/81708470559>

Meeting ID: 817 0847 0559 Passcode: 216291

OR

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

Meeting ID: 817 0847 0559 Passcode: 216291

KENAI PENINSULA

2020 PROJECT HOMELESS CONNECT REPORT



No one deserves to lose hope

The Homeless Action Coalition is proud to report on the Kenai Peninsula’s 9th Annual Project Homeless Connect event held at the Soldotna Sport’s Center on January 29, 2020. Our success is due to the collaborative effort between service providers, the private sector, volunteers, and the community members.

A special thank-you to the following:

- Event Co-Chairs: Kathy Gensel & Frank Alioto
- Check In/Out: Cheri Smith & Melissa Kline
- Donations: Melissa Kline & Kellie Bartelmay
- Transportation: Brent Hibbert & Taylor Cochran
- Fundraising: Kathy Gensel & Marta Taylor
- Provider Services: Leslie Rohr
- Publicity: Jodi Stuart
- Volunteers: Beth Selby
- Food: Sharon Kelly
- Logistics: Kathy Gensel & Frank Alioto

Vendors and individuals providing services to homeless individuals (34):

ABC Life Choices	Kenai Public Health
Alaska Housing Finance Corporation	Kenai Vet Center
C.A.R.T.S	Kenaitze Indian Tribe
CICADA	Ladies First
Change 4 the Kenai	Love, INC.
Division of Public Assistance	Mountain Magic Massage
Division of VOC Rehab	Peninsula Community Health Services
Division of Voter Registration (DVR)	Peninsula Job Center
Freedom House	Peninsula Spay & Neuter
Friendship Mission	Peninsula Youth Encouraging Alaskan’s Health
GCI	Soldotna Professional Pharmacy
Independent Living Center	Soldotna Rotary
Kenai/Soldotna Lions	The LeeShore Center
Kenai Peninsula College	Twin Cities Veterinary Services
Kenai Peninsula Food Bank	Sinshearly
Kenai Peninsula Massage Therapy	Susan Smalley
Kenai Peninsula Re-Entry Coalition	2020 Census

Demographics of Population Served

One hundred forty-eight (148) individuals participated in the PHC event. *Data compiled below is based on 147 individuals who provided a signed Release of Information.* The total household number based on participant input was 316. There were a total of 13 dogs that received care during the event.

A total of 67% reported this was their first time participating in the Kenai Peninsula Project Homeless Connect event.

Gender

	Frequency	Percent
Male	71	48%
Female	76	52%
Trans Female	0	0
Trans Male	0	0
Gender Non-Conforming	0	0
Total	147	100%

Age

	Frequency	Percent
Less than 18	0	0
18 - 24	4	3%
25 - 44	59	40%
45 – 64+	84	57%
Total	147	100%

Race

	Frequency	Percent
American Indian / AK Native	37	25%
Asian	0	0
Black / African American	1	1%
Hawaiian/Pacific Islander	2	1%
White	106	72%
Don't Know/Refused	1	1%
Total	147	100%

Ethnicity

	Frequency	Percent
Hispanic or Latino	10	7%
Non-Hispanic / Non-Latino	135	92%
Don't Know/Refused	2	1%
Total	147	100%

Veteran

	Frequency	Percent
Yes	11	8%
No	136	92%
Total	147	100%

Household Type

	Frequency	Percent
Adult Household (no children)	126	86%
Household w/adults & children	21	14%
Household w/only youth	0	0
Total	147	100%

Head of Household

	Frequency	Percent
Self	144	98%
Head of Household's partner	2	1%
Head of Household's child	0	0
Other relation member	0	0
Non-relation member	1	1%
Total	147	100%

Health Insurance

	Frequency	Percent
Yes	129	88%
No	18	12%
Total	147	100%

Disabling Conditions

	Frequency	Percent
Alcohol Abuse	7	7%
Chronic Health Condition	44	43%
Drug Abuse	9	9%
Mental Health Problem	48	47%
Both Alcohol / Drug Abuse	17	17%
Developmental	10	10%
HIV/AIDS	1	1%
Physical	30	29%

***Percentages above based on 103 individuals (70%) who disclosed one or more conditions affecting ability to retain housing.*

Income Received Last 30 Days

	Frequency	Percent
Alimony/Spousal Support	0	0
TANF	6	9%
Child Support	0	0
Earned Income	15	23%
General Assistance	21	32%

Pension/Retirement	2	3%
Private Disability Insurance	0	0
SSDI (Disability)	15	23%
SSI (Supplemental)	15	23%
Retirement from SSI	1	1%
VA Service Disability Compensation	2	3%
VA Non-Service Disability Compensation	0	0
Unemployment	5	7%
Worker's Compensation	0	0
Other	3	4%
No Income	81	55%

****Percentages are based on 66 individuals (45%) who responded with one or more income source**

Victim of Domestic Violence

	Frequency	Percent
Yes	67	46%
No	79	53%
Refused	1	1%
Total	100	100%

****Of those who responded as victims: 79% were female and 21% were male**

If Yes to Above, Fleeing Domestic Violence

	Frequency	Percent
Yes	13	19%
No	54	81%
Total	67	100%

****Percentages are based on 67 individuals who responded as victims of domestic violence**

Primary Alaska Regional Corporation

	Frequency	Percent
Ahtna Corp.	2	1%
Aleut Corp.	1	1%
Arctic Slope Regional	0	0
Bering Straits	0	0
Bristol Bay Native Corp.	6	5%
Calista Corp.	9	6%
Chugach Alaska Corp.	0	0
Cook Inlet Regional	5	3%
Doyon Limited Corp.	2	1%
Koniag Incorp.	2	1%
NANA Regional Corp.	0	0
Sealaska	3	2%

13th Regional Corp.	0	0
N/A	117	80%
Total	147	100%

Eviction Notice Received This Month

	Frequency	Percent
Yes	7	5%
No	140	95%
Total	100	100%

Ever in Foster Care System

	Frequency	Percent
Yes	29	20%
No	118	80%
Total	147	100%

Years in Foster Care

	Frequency	Percent
Weeks	1	1%
Months	1	1%
Year(s)	24	16%
N/A	121	82%
Total	147	100%

***Range in years spent in foster care: 1 to 18 years*

Prior Project Homeless Connect Events Attended

	Frequency	Percent
1st Time (0 prior)	98	67%
1Time	24	16%
2 Times	11	7%
3 Times	6	4%
4 Times	4	3%
5 Times	3	2%
6 Times	0	0
7 Times	0	0
8 times	0	0
9 times	1	1%
Total	147	100%

Slept Prior Night

	Frequency	Percent
Homeless:		
Place not habitable	20	14%
Emergency Shelter	4	3%
Institutional:		
Foster Care / Group Home	1	1%
Jail/Prison, Juvenile Facility	1	1%
Psychiatric Hospital / Facility	0	0
Long-term care/nursing home	0	0
Substance Abuse TX Center	4	3%
Transitional/Permanent		
Residential or Halfway house	0	0
Motel or Hotel	3	2%
Transitional Housing/youth	14	9%
Host home (non-crisis)	2	1%
Staying w/friends	34	23%
Staying w/family	19	13%
Rental – GPD TIP subsidy	1	1%
Rental – VASH subsidy	2	1%
Permanent housing for formerly homeless	4	3%
Rental w/RRH or subsidy	0	0
Rental w/HCV voucher	1	1%
Rental – public housing unit	7	4%
Rental – no subsidy	18	12%
Rental - subsidy	4	3%
Owned by client	4	3%
Owned - subsidy	2	1%
Refused	2	1%
Total	147	100%

Duration of Homelessness

Homeless		
One night or less	0	0
Two to six nights	1	1%
1 week or more (less 1 month)	3	2%
1 month or more (less 90 days)	1	1%
90 days or more (less 1 year)	5	3%
One year or more	13	9%

Institutional		
One night or less	0	0
Two to six nights	0	0
1 week or more (less 1 month)	2	1%
1 month or more (less 90 days)	2	1%
90 days or more (less 1 year)	1	1%
One year or more	1	1%
Temporary/Permanent		
One night or less	4	3%
Two to six nights	12	8%
1 week or more (less 1 month)	12	8%
1 month or more (less 90 days)	16	11%
90 days or more (less 1 year)	25	17%
One year or more	46	31%
N/A	3	2%
Total	147	100%

Homeless Episodes – Past 3 Years

	Frequency	Percent
1 time	35	24%
2 times	12	8%
3 times	9	6%
4 or more	35	24%
N/A	56	38%
Total	147	100%

Total Number of Months Homeless in past 3 years

	Frequency	Percent
1 – 3 months	23	16%
4 – 6 months	12	8%
7 – 11 months	4	2%
12 or more months	45	31%
N/A	63	43%
Total	147	100%

Supplemental Questions

Number of Individuals in Household

Age 18 and Over	268
Age 17 and Under	48
Total	316

Primary Reason for Homelessness

	Frequency	Percent
Loss of Job	30	20%
Work hours cut	4	3%
Rent / Utility Increase	4	3%
Lease Violation	0	0
Illness / Injury	16	11%
Substance Abuse	10	7%
Domestic Violence	17	12%
Family Dispute	2	2%
Aged out Foster Care	1	1%
Jail / Prison Release	7	4%
Treatment Center Release	3	2%
Loss of Roommate	4	3%
Divorce	5	3%
Eviction	9	6%
New to Community	3	2%
**Other (see below)	27	18%
N/A or Refused	5	3%
Total	147	100%

***Other includes: Loss of property, lack money, loss of spouse, lost green card, probate issues, health related, mental health, family issues, unemployed, lack resources, can't afford to rent month to month, house condemned by earthquake, borough dispute about dwelling and location, family member passed away, lost veterans benefits, can't afford anything.*

Form of Transportation

	Frequency	Percent
Own Vehicle	61	42%
Friend/Family Member	33	22%
Public Transport	3	2%
Taxi	3	2%
Walk / Ride Bike	42	29%
Hitchhike	2	1%
N/A	3	2%
Total	147	100%

How did you get to event today?

	Frequency	Percent
Bus	0	0
Drove Self	55	37%
Drove w/Others	68	47%
Walk / Ride Bike	13	8%
Hitchhiked	3	2%
Taxi	7	5%
N/A	1	1%
Total	147	100%

Would you use a community bus route system?

	Frequency	Percent
Yes	140	95%
No	3	2%
N/A	4	3%
Total	147	100%

Interested in Narcan Kit

	Frequency	Percent
Yes	45	31%
No	102	69%
Total	147	100%

Suggestions for notifying people about the Cold Weather Shelter: Radio station, KSRM, social media, word of mouth, keep in programs of AA, NA and churches, haircuts, bulletin boards at Safeway and Frey Meyer, phone, notice at Kenai Job Service, text, posters, pamphlets, jail, Food Bank, signs, cab drivers, the business next to the old Italian Garden (next to Salvation Army), post everywhere, cousin's friend, emergency contact memo,

Other Comments:

- It's very good to see the community and the homeless connect with each other in these times of hardships. A blessing to all. Thank you.
- Was happy to attend.
- Thank you all!
- Amazing job – thank you!
- I got here late but this event is critical for the area – thank you!!
- Thank you!
- Thank you – God Bless!
- Thanks and volunteers were awesome.
- Great job – excellent food.
- Very helpful to my needs.
- Overwhelming crowd.
- This was very nice. Thank you all.
- Keep up the good work.
- Love how the community gets together to help those in need.
- It's a good thing for the community.
- Just want to say thank you.
- Food was helpful.
- Love the program.
- Community needs public bus services.
- Questions too personal at intake – last 4 of social too personal.
- All are awesome.
- Ya'll are awesome!
- Really wish there were a cold weather shelter and local bus route.
- Thank you so much to all who donated time and items – very grateful.
- Thank you very much!
- Thank you for your time – it was absolutely amazing.
- Need buses and GCI in Kenai.
- Great job.
- Thanks for the help.
- I love this program – thank you.
- Very good to have.
- First time to an event like this – it was great, thank you!
- Very good event for the community and thank you all for everything.

- Everyone was so helpful and happy.
- Need more supplies for babies.
- This is amazing service.
- This is my third year and look forward to it.
- Women and children's shelter for women that aren't domestic violence.
- We really like all the services.
- Keep up the excellent job.
- Thank you all and God bless.
- It was all very helpful – thank you so much!
- This was very helpful and I will be here next year.
- The organization of this activity has been much better than in the past.
- Wonderful experience.
- Thank you - so very helpful for the community!



Our gratitude and thanks to all the following volunteers, vendors, and donors who helped make this event possible!

VOLUNTEERS

Abby Struffert	Fred Koski	Marti Slater
Adele Tracey	Gail Kennedy	Marquitta Andrus
Alaska Christian College	Georganne Roberts	Mary Bell
Alecia Gottlob	Grace Richmond	Mary Madera
Alexis Cole	Greg Meyer	Mary Starrs Armstrong
Alexis Wells	Haiden Wilkinson	Mathyas Smith
Allie McGahan	Hal Smalley	Megan Silta
Allison Bushnell	Hallie Fisher	Melissa Cline
Amorette Payment	Hanah Burrell	Melissa Daugherty
Amy Lynn Burdett Belue	Hannah Leaders	Melody Buhr
Anastasia Monyahan	Heather Rasch	Michelle Blackwell
Andrew Pieh	Howard Hill	Mike Major
Andy Knapp	Jackie Scurlock	Mike Petty
AnnaMae Gilliam	Jason Bohac	Missy Nelson
Annette Hubbard	Jeannette Kimes	Morganette Finch
Annie Burns	Jeannine Morse	Nancy Henning
Anthony Alvey	Jenipher Young	Natalie Merrick
April Hall	Jenna Barry	Natalya Oskolkoff
Ashley Blatchford	Jennifer Aamodt	Pamela Howard
Ashley Fann	Jennifer Beckmann	Patricia Haywood
Ashley Kreider	Jennifer Waller	Patrick Tassell
Audre Hickey	Jennifer Wood	Patty Eissler
Avery Ciufo	Jennifer Youngberg	Paul Echin
Bailey Conner	Jerri Scott	Raven Willoyz-Williams
Barbara Norbeck	Jill Dufloth	Rebecca Hall
Barbara Trombley	Jolene Riske	Regan Evans
Bessie Phillip	Jodi Stuart	Renee Lipps
Beth Selby	Josie Josephson	Rick Oelrich
Bethany Warner	Judy Dexter	Robin Barry
Betty Harris	Judy Fandrei	Roger Branson
Bill Kelley	Judy Nugent	Ron Engebretson
Bobbi Jedlicki	Justin Ruffridge	Ronda Oglesby
Bobbi Stelljes	Kaitlyn Farmer	Rose Kimbrell
Brenda Chamness	Kambree Whitton	Sally Oelrich
Brent Hibbert	Karen Martin-Tichenor	Samantha Haakenson
Briana Hoge	Kasilof Community Church	Sarah Rozak
Brooke Walters	Kathy Gensel	Sarge Truesdell
Caitlin Sparks	Katie Cowgill	Scott Belue
Cami Zifko	Katie Derleth	Scott Pitsch
Carol Anderson	Kaytlin McAnelly	Selena Payment
Charles Kuhlmann	Kelley Kress	Shannon Logan
Chelsey Carter	Kellie Bartelmay	Shannon Schjoll
Cheri Smith	Kelly Whitmore	Shari Connor
Cindy Rombach	Kiara Forkner	Sharon Kelly
Claire Calhoun	Kimberly Earll	Sheilah-Margaret Pothast
Clayton Dempster	Kimberly Haviland	Sherly Carroll

Dan Gensel
 Danika Buffan
 Danyelle Wight
 Dawn Kelly-Larson
 Debra Martin
 Denise Owens
 Derek Black
 Derrick Jones
 Diane Fielden
 Don Thompson
 Donn Wells
 Doreen Borkowski
 Doug Grzybowski
 Duane Jennings
 Emily Alvey
 Emily Knight
 Erik Gordon
 Erin Martin
 Frank Alioto

Kit Hill
 Lara McGinnis
 Laurie Walters
 LeeAnne Crafton
 Leonardo Bongolto
 Leslie Rohr
 Lexi Wells
 Lin Kennedy
 Linda Kendall
 Linda Sipes
 Linda Tannehill
 Lindsey Anasogak
 Linzey White
 Lucas Netherland
 Lydia Hopper
 Madison Govin
 Margie Outterson
 Mark Larson
 Marta Taylor

Sherra Pritchard
 Sherry Martinovich
 Sonia Seay
 Stacie Hopper
 Stephanie Hunt
 Susan Smalley
 Susie Allen
 Tatum Rozak
 Taylor Cochran
 Taylor McNeel
 Terri Kunz
 Terri Scott
 Tiffany Blanchard
 Tiffney Carlson
 Timothy Cole
 Twyla Bentley
 Valerie Rosin
 Zachary Buckbee

IN-KIND DONATIONS

Addie Camp
 Alaska's Best Water
 Alaska Cab
 Arby's
 Bark Appeal, Inc.
 Bearly Threaded Quilting Too
 Bishop's Attic
 Central Peninsula Hospital
 City of Soldotna
 Christ Lutheran Church
 Coca Cola of Alaska
 Coffee Express
 Everything Bagels
 Fine Thyme
 First Baptist Church
 Fred Meyer
 Friendship Mission
 Gold Paw Series
 Hilcorp
 Independent Living Center
 Jeanne Acton
 Kaladi Brothers
 Kenai Chamber of Commerce
 Kenai Kennel Club
 Kenai Peninsula Food Bank
 Kenai Peninsula Re-Entry Coalition

Kenai United Methodist Church
 Kendall Ford/Chrysler
 KPAL
 Louie's Restaurant
 Marathon Petroleum
 Midnight Son Seventh Day Adventist Church
 Moira Pyhala
 Odom Corporation
 Odie's
 Papa John's Pizza
 Pizza Boys
 Quilters for Cause
 Save U More
 Shellie Saner
 Skyview Middle School Student Council
 Soldotna Chamber of Commerce
 Soldotna Church of God
 Soldotna Trustworthy Hardware and Fishing
 Soldotna United Methodist Church
 Sophie Sorensen - Miss Alaska Collegiate 2020
 Terri Kunz
 The LeeShore Center
 Three Bears
 Twin Cities Veterinary
 Wildwood Inmate Program

CASH DONATIONS

Alaska Housing Finance Corporation
Alaska Mental Health Trust Authority
American Legion Auxiliary 20
Bishop's Attic
City of Kenai

Kenai Peninsula CHARR, Inc.
Kenai Peninsula Foundation
North Star United Methodist Church
VFX Auxiliary Post 10046

We sincerely apologize if we have missed any donor or volunteer

Endnote: Data was secured through the PHC event held on January 29, 2020.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3155-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT IMPROVEMENTS CAPITAL PROJECT FUND AND ACCEPTING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION FOR PHASE ONE CONSTRUCTION OF A NEW SAND STORAGE FACILITY.

WHEREAS, On August 10, 2020 a formal Invitation to Bid was released in coordination with the Federal Aviation Administration for the construction of a new 5600sf Sand Storage Facility for the Kenai Municipal Airport, with Bids due on August 31, 2020; and,

WHEREAS, The City received the following bids with _____ being determined to be the lowest responsive and responsible bidder

Contractor	Phase 1 Bid	Phase 2 Bid	Total Bid

; and,

WHEREAS, the Project is being awarded in two phases, with Phase 1 consisting of site civil work which is anticipated to take place in the Fall of 2020. Phase 2 consists of the complete building package and all other work anticipated for a Spring 2021 start and Fall 2021 completion; and,

WHEREAS, the phasing is intended to provide the City with the largest funding available from the Federal Aviation Administration (FAA), with CARES Act funds anticipated to cover the City's 6.25% share of Phase 1 costs, and Airport Entitlements for 2020 covering the remaining costs; and,

WHEREAS, Phase 2 will be awarded under a separate Ordinance in early 2021 in anticipation of receiving an FAA grant for the remaining costs using the Airport entitlements for 2021 and if necessary, FAA discretionary funds with the City's share being 6.25% unless there are CARES Act funds remaining, whereby there would not be a City match required; and,

WHEREAS, Council should anticipate the City needing to fund Phase 2 initially to allow the building package to be ordered in time for a summer installation, with an FAA grant anticipated for May 2021 where the City will be reimbursed; and,

WHEREAS, failure to forward fund the project will likely result in the construction carrying into next winter and would increase overall construction costs; and,

WHEREAS, the Federal Aviation Administration (FAA) and City Staff are in agreement that this path is the most beneficial to the City.

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

Section 1. The City Manager is authorized to accept grant funding from the Federal Aviation Administration in the amount of \$_____ for the Construction of the new Sand Storage Building.

Section 2. The City Manager is authorized to award a construction contract for Phase 1 of construction of a new sand storage facility to _____ in the amount of \$_____ and issue a Purchase Order to _____ in the amount of \$_____ which includes contingency funds for the processing of change orders.

Section 3. The City Manager is authorized to amend HDL Engineering’s Design Agreement to include Construction Administrative (CA) Services in the amount of \$_____.

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

Airport Improvement Capital Project Fund:	
Increase Estimated Revenues –	
FAA Grant	\$ <u>XXX,XXX</u>
Increase Appropriations:	
Construction	\$ <u>XXX,XXX</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Ordinance No. 3155-2020

Page 2 of 3

Jamie Heinz, CMC, City Clerk

Approved by Finance: _____

Introduced: August 19, 2020
Enacted: September 2, 2020
Effective: September 2, 2020



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Scott Curtin, Public Works Director

DATE: August 11, 2020

SUBJECT: Ordinance 3155-2020

The purpose of this memo is to request support for the Kenai Municipal Airport Sand Storage Building. Staff, in coordination with the Federal Aviation Administration (FAA), has been developing the project. HDL Engineering completed design documents on August 7, 2020. The project was formally released for Bids on August 10, 2020 with bids due on August 31, 2020.

The project will be developed in two phases to allow the City the greatest opportunity to take advantage of federal grants. Phase 1 is anticipated to take place this fall and will cover Site Civil work. The grant will cover all of the FAA's normal share, and CARES Act funds are anticipated to cover the City's normal share of 6.25%.

Phase 2 will begin early 2021, and will be awarded under a separate future Ordinance. It will be funded by the Airport's annual entitlements and possibly discretionary funds through the FAA and is anticipated for the City to short term finance the work until the grant can be issued likely in May 2021. The structural steel and insulated wall and roof panels will need to be ordered in March 2021 to make sure they arrive in Alaska in time for the summer construction season.

Phase 2 will likely require the usual grant matching funds, with the FAA contributing 93.75% and the City share being 6.25% of construction costs however, if there are remaining CARES Act funds, there would be no match requirement of the City. The funds to cover the start of Phase 2 shall be taken from the Airport Special Revenue Fund and will be reimbursed upon receipt of grant.

This project is the number one priority for the Airport from the Capital Improvement Plan. Completion of the facility will allow the airport to store all of their required sand for the runway under roof in a conditioned space, which will allow their sanding operations to proceed more efficiently, reducing wear and tear on equipment from breaking into frozen sand piles that would otherwise be stored outdoors.

Council should anticipate an amendment memo being provided prior to the September 2, 2020 council meeting to fill in the blanks associated with the current Ordinance.

Council's support of this Ordinance is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3156-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE WATER AND SEWER SPECIAL REVENUE AND WATER AND SEWER IMPROVEMENTS CAPITAL PROJECT FUNDS AND AWARDING A CONSTRUCTION AGREEMENT FOR IMPROVEMENTS TO THE WASTING ACTIVATED SLUDGE PUMPS AT THE WASTE WATER TREATMENT PLANT.

WHEREAS, the Waste Water Treatment Plant continues to make improvements to aging and failing pieces of equipment; and,

WHEREAS, Staff has determined the process of Wasting Activated Sludge (WAS) pumping is quickly becoming our highest priority concern due to failing equipment; and,

WHEREAS, replacement of these pumps was anticipated to be under \$35K initially and was not included as a Capital Project within the current Capital Plan as a result; and,

WHEREAS, MBA Consulting contracted to provide construction documents, and a formal Invitation to Bid was released on August 14, 2020 with Bids due on August 28, 2020; and,

WHEREAS, the City received the following bids with _____ determined to be the lowest responsive and responsible bidder

Contractor	Bid

; and,

WHEREAS, award to _____ is in the best interest of the City and will allow the Waste Water Treatment Plant to continue to meet all requirements of our Alaska Pollutant Discharge Elimination System (APDES) permit.

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

Section 1. The City Manager is authorized to award a construction contract to _____ in the amount of \$_____ and issue a Purchase Order to _____ in the amount of \$_____ which includes contingency funds for the processing of change orders.

Section 2. The City Manager is authorized to issue a Purchase Order to MBA Consulting Engineers for Construction Administrative (CA) Services in the amount of \$3,296 for a total design agreement to date of \$22,177.

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

Water and Sewer Special Revenue Fund:	
Increase Estimated Revenues –	
Appropriation of Fund Balance	\$XX,XXX
Increase Appropriations:	
Transfer to other funds	<u>\$XX,XXX</u>

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

Water and Sewer Improvements Capital Project Fund:	
Increase Estimated Revenues –	
Transfer from other funds	\$XX,XXX
Increase Appropriations:	
Construction	<u>\$XX,XXX</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: _____

Introduced: August 19, 2020
Enacted: September 2, 2020
Effective: September 2, 2020



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Public Works Director
DATE: August 11, 2020
SUBJECT: Ordinance 3156-2020

This memo requests support for the replacement of the Wasting Activated Sludge Pumps at the Waste Water Treatment Plant. The pumps themselves have already been purchased and are on site. This work will provide funds for the demolition of the existing pumps, associated piping, controls and installation of the new pumps with new piping, controls, and concrete housekeeping pads.

Additionally, this work will replace three severely rusted exterior doors, jambs and hardware for the pump house building and adjacent clarifiers with new fiberglass doors and jambs with new hardware. The close proximity to the salt water is particularly hard on metal surfaces and the fiberglass will perform better over time.

Staff had originally hoped to complete this work with already approved operational funds, however in speaking with contractors the scope of work has grown into costs that now exceed the threshold for a Capital Project. The nature of this work is imperative to the operations of the plant. The pumps being replaced are almost 40 years old, one is completely out of service, the second requires daily intervention to run correctly, and we are currently using a recently purchased Honda gas pump as an alternate means to maintain operations.

Completion of this project will restore appropriate redundancy to another integral part of the plant's operations. It is also anticipated that the newer and more efficient pumps will provide additional energy savings.

Council should anticipate an amendment memo prior to the September 2, 2020 council meeting to fill in the blanks in the current Ordinance.

Council's support of this Ordinance is respectfully requested.



Sponsored by: Vice Mayor Molloy

CITY OF KENAI

ORDINANCE NO. 3157-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 1.85.010 – REPORT OF FINANCIAL AND BUSINESS INTERESTS, TO ALLOW FOR CERTIFICATION BY MUNICIPAL OFFICERS THAT A PREVIOUSLY FILED STATEMENT OF DISCLOSURE REMAINS ACCURATE AND APPROVING AN ALTERNATE CERTIFICATION.

WHEREAS, Kenai Municipal Code 1.85 requires that certain elected and appointed officials complete financial disclosure forms annually; and,

WHEREAS, for some, financial information does not change annually; and,

WHEREAS, the ability to certify that a previously filed statement remains accurate would provide the same level of disclosure and eliminate the sometimes burdensome requirement to complete the form in its entirety on an annual basis.

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

Section 1. Amending Section 1.85.010 – Report of financial and business interests of the Kenai Municipal Code: That Kenai Municipal Code, Section 1.85.010 – Report of financial and business interests is hereby amended as follows:

1.85.010 Report of financial and business interests.

(a) A candidate for elective municipal office shall file a statement under oath with the City Clerk, at the time of filing a nominating petition and declaration of candidacy, specifying his or her business interests and income sources.

(b) Each municipal officer shall file a statement under oath with the City Clerk, within thirty (30) days after appointment to office specifying his or her business interests and income sources.

(c) Each municipal officer file a similar statement of income sources and business interests or shall certify a previously filed statement remains true, correct, and complete with the City Clerk not later than April 15th of each year that he or she holds office.

Section 2. That the attached certification form is hereby approved.

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

Ordinance No. 3157-2020
Page 2 of 2

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: August 19, 2020, 2020
Enacted: September 2, 2020
Effective: October 2, 2020



**CITY OF KENAI
2021 PUBLIC OFFICIAL FINANCIAL
DISCLOSURE STATEMENT**

CERTIFICATION

I certify under penalty of perjury the information previously provided in the Statement attached hereto is up to date and, to the best of my knowledge, true, correct and complete and shall serve as my Statement covering the period **between January 1, 2020 and December 31, 2020**. A person who makes a false sworn certification which he or she does not believe to be true is guilty of perjury.

_____	_____
SIGNATURE	DATE
_____	_____
Printed Name of Filer	Place


Where to obtain copies of previous Statements for attachment and file this Certification:

**Kenai City Clerk
210 Fidalgo Avenue
Kenai, AK 99611**

**Telephone: (907) 283-8231
Fax: (907) 283-5068**



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
CC: City Manager and Administration
FROM: Vice Mayor Molloy 
DATE: August 11, 2020
SUBJECT: Ordinance No. 3157-2020

This proposed ordinance is the product of a discussion with Council in March 2020 about financial disclosure statements.

This ordinance amends KMC 1.85.010 **Report of financial and business interests**, paragraph (c), to allow a municipal officer to sign a form certifying that a previously filed financial disclosure statement "remains true, correct and complete." This ordinance also approves the attached certification form, which also was drafted by the City Clerk.

A "municipal officer" is defined to mean "the Mayor, City Manager, members of the Council, members of the Planning and Zoning Commission, City Attorney and City Clerk."

This ordinance will reduce paperwork burden for municipal officers where there is no change in the officer's previously filed financial disclosure statement. The officer's filing of the signed certification form will be sufficient, because there has been no change from the previously filed disclosure statement.

Council's support is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020 - 73

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, FURTHER EXTENDING THE DISASTER EMERGENCY DECLARATION FOR THE CITY OF KENAI MADE ON MARCH 18, 2020 IN RESPONSE TO THE COVID-19 HEALTH EMERGENCY.

WHEREAS, pursuant to AS 26.23.140 the City Manager, as the principal executive officer of the City, issued a Disaster Emergency Declaration on March 18, 2020 for a period not to exceed seven days in response to the COVID-19 public health emergency; and,

WHEREAS, that same day, the City Council extended the Disaster Emergency Declaration for 90 days, which expired on June 16, 2020; and,

WHEREAS, on June 3, 2020, the City Council passed Resolution 2020-40, extending the Disaster Emergency Declaration for 90 days, which is set to expire on September 15, 2020; and,

WHEREAS, while the City, State and Nation move towards reopening business and resuming certain activities the City Council expects that the continued impact of COVID-19, including public health risks, restrictions on travel, and economic impacts will be of a severity and magnitude that is beyond the authority and capacity of the City to provide an effective response without assistance; and,

WHEREAS, many public and private facilities remain closed or only partially opened, gatherings, and other events remain cancelled or postponed in order to prevent the transmission of COVID-19; and,

WHEREAS, these events continue to have a significant impact on business, commerce, and the local economy now and likely in the future, as there is still no projected date for a potential vaccine or other treatment for COVID-19 and impacts from restrictions imposed to reduce transmission will impact the City into the summer; and,

WHEREAS, it is in the best interest of the City to further extend the Disaster Emergency Declaration emergency issued by the City Manager until December 31, 2020.

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

Section 1. That the City Council of the City of Kenai further extends, until December 31, 2020, or until repealed sooner, the Disaster Emergency Declaration issued by the City Manager on March 18, 2020 pursuant to AS 26.23.140, and subsequently previously extended by this Council, due to the current and expected imminent impacts of the COVID-19 health emergency.

Section 2. That the City requests that the State of Alaska provide disaster assistance to the City by making available resources as needed in the ongoing response and recovery from the current and potential impacts of this health emergency, to provide individual assistance for

affected businesses and individuals, and to provide technical expertise and guidance, to help the City in its response and recovery from this event.

Section 3. That the City additionally requests assistance from federal agencies where state capability is not adequate.

Section 4. That a copy of this declaration will be promptly filed with the Alaska Division of Homeland Security and Emergency Management.

Section 5. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Paul Ostrander, City Manager

DATE: August 26, 2020

SUBJECT: **Resolution 2020-73 – Extending the Disaster Emergency Declaration**

The Disaster Emergency Declaration issued on March 18, 2020 and extended by the City Council for 90 days, is set to expire on September 15, 2020. Based on the continued impact of the COVID-19 public health emergency, an extension until December 31, 2020 will continue to give the City Manager the authority to take emergency actions that may be necessary to protect critical functions of the City, protect the health and safety of City employees and the public. Additionally, Ordinance No. 3158-2020 is contingent upon the adoption of 2020-73.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3158-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE COVID-19 CARES ACT RECOVERY FUND AND ACCEPTING A CARES ACT GRANT PASSED THROUGH THE KENAI PENINSULA BOROUGH.

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020, and other positive diagnoses have since occurred on the Kenai Peninsula; and,

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020, and the President of the United States issued a Proclamation Declaring a National Emergency on March 13, 2020; and,

WHEREAS, on March 18, 2020, the City Manager declared a local disaster emergency that was extended the same day by the City Council; and,

WHEREAS, on March 24, 2020, the City Council enacted Ordinance 3115-2020 granting the City Manager City certain emergency powers; and,

WHEREAS, on April 9, 2020 President Donald J. Trump approved a Disaster Declaration for the State of Alaska; and,

WHEREAS, the State of Alaska's distribution of \$568,572,886 to local governments included \$37,458,449 to the Kenai Peninsula Borough of which \$24,199,101 was based on Borough sales tax collected boroughwide; and,

WHEREAS, approximately 67% of Borough sales tax revenue is collected by business located inside the six incorporated City of the Borough, Kenai, Soldotna, Seldovia, Seward, Homer and Kachemak City; and,

WHEREAS, because the Borough lacks area-wide economic development powers it has elected to pass \$8,134,023 of its state allocation to the incorporated City's including \$2,675,524.94 to the City of Kenai; and,

WHEREAS, acceptance of these pass through funds is in the best interest of the City, its business and its residents.

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

Section 1. That the City Manager is authorized to accept a grant in the amount of \$2,675,524.94 from the Federal Government passed through the Kenai Peninsula Borough for expenditures in response to and recovery from the COVID-19 Public Health Emergency.

Section 2. That the City Manager is authorized to execute grant agreements to accept these funds.

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

COVID-19 Cares Act Recovery Fund:	
Increase Estimated Revenues –	
Federal Grants	<u>\$2,675,524.94</u>
Increase Appropriations –	
First Responder & Incident Management Team Payroll -	
General Contingency	\$X,XXX,XXX.XX
Business and Not-for-Profit Entity Recovery Grants -	
General Contingency	X,XXX,XXX.XX
CARES Act Administration & Non-Payroll Expenditures -	
General Contingency	X,XXX,XXX.XX
Individual Assistance Grants -	
General Contingency	X,XXX,XXX.XX
City Resiliency and Recovery	
General Contingency	<u>X,XXX,XXX.XX</u> <u>\$2,675,524.94</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Ordinance No.3158-2020

Page 2 of 3

Approved by Finance: _____

Introduced: August 19, 2020

Enacted: September 2, 2020

Effective: September 2, 2020



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Terry Eubank
DATE: August 12, 2020
SUBJECT: Introduction of Ordinance 3158-2020

The purpose of this memo is to recommend introduction of Ordinance 3158-2020. At its August 11, 2020 special meeting the Kenai Peninsula Borough authorized CARES Act pass-through grants to the incorporated cities of the Borough totaling \$8,134,022.88 including \$2,675,524.94 to the City of Kenai.

Ordinance 3158-2020 will authorize acceptance of the pass-through grant and appropriate the funds to assist in response to and recovery from the COVID-19 public health emergency. It is the intent of the administration to prepare a recommendation for the allocation and use of funds prior to adoption at the September 2, 2020 Council meeting.

Your support for introduction is respectfully requested.



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Paul Ostrander, City Manager
DATE: August 26, 2020
SUBJECT: Requested Amendment to Ordinance 3158-2020

At its August 11, 2020 special meeting the Kenai Peninsula Borough authorized CARES Act pass-through grants to the incorporated cities of the Borough totaling \$8,134,022.88 including \$2,675,524.94 to the City of Kenai. Ordinance 3158-2020 authorizes acceptance of the pass-through grant and appropriates the funds to assist in response to and recovery from the COVID-19 public health emergency.

Since introduction of the Ordinance, administration has updated the allocation model for distributing the economic recovery funds as a result of legislation and recommends the following allocation and use of the Borough grant funds as part of the City of Kenai’s Relief and Recovery Grant Program:

\$675,524 – First Responder and Incident Management Team Payroll. This allocation includes a reimbursement of City payroll expenses for Fire Department, Police Department, Public Safety Dispatch, and Incident Management Team.

\$2,000,000 – Business and Nonprofit Entity Recovery Grants. This allocation includes grant awards to qualifying City of Kenai businesses affected by COVID-19 to offset impacts or to provide mitigation. The City will administer a grant program to determine eligibility and requirements that may apply. The grant program guidelines are included in the City of Kenai’s Relief and Recovery Grant Program Guide included as an attachment to Resolution 2020-70.

The following amendment is requested:

Amend Ordinance 3158-2020 by amending Section 3 by replacing

- First Responder & Incident Management Team Payroll - General Contingency \$X,XXX,XXX.XX with \$675,524.00
- Business and Not-for-Profit Entity Recovery Grants - General Contingency X,XXX,XXX.XX with \$2,000,000.00
- CARES Act Administration & Non-Payroll Expenditures - General Contingency X,XXX,XXX.XX with \$0.00
- Individual Assistance Grants - General Contingency X,XXX,XXX.XX with \$0.00

- City Resiliency and Recovery - General Contingency X,XXX,XXX.XX with \$0.00

Your consideration is appreciated.





Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020-70

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AMENDING THE CITY'S GRANT DISBURSEMENT PROGRAM FOR SMALL BUSINESSES AND NON-PROFIT ORGANIZATIONS UTILIZING FUNDS FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH ALASKA HOUSING FINANCE CORPORATION (AHFC) FOR HOUSING RELIEF PROGRAM ADMINISTRATION AND WITH THE KENAI PENINSULA FOOD BANK FOR FOOD DISTRIBUTION IN KENAI.

WHEREAS, on May 20, 2020, the City Council enacted Ordinance 3130-2020 accepting Federal CARES Act funding passed through the State of Alaska for expenditures in response to the COVID-19 Public Health Emergency; and,

WHEREAS, on June 3, 2020, the City Council passed Resolution 2020-39, approving a \$3,000,000 Grant Disbursement Program for Small Businesses and Non-Profit Organizations Utilizing Funds from the CARES Act; and,

WHEREAS, on July 1, 2020, the Council amended the Grant Disbursement Program to re-open the application period from July 10, 2020 to July 17, 2020 to allow additional businesses and non-profits impacted by the COVID-19 public health emergency to seek relief without materially affecting available future funding; and,

WHEREAS, on July 1, 2020, the Council also amended the Grant Disbursement Program to establish additional grant programs to provide individual financial assistance to the community's smaller businesses that did not qualify for the City's Small Business Grant program, for commercial fisheries permit holders, for renters and homeowners, mental health services, and a program to assist the business community with professional marketing support in light of decreased customer demand; and,

WHEREAS, the total disbursement of funds available through the Grant Disbursement Program and available to eligible applicants for grants is anticipated to increase by \$2,675,524.94 as a result of a grant in that amount from the Federal Government passed through the Kenai Peninsula Borough for expenditures in response to and recovery from the COVID-19 public health emergency; and,

WHEREAS, to assure that the distribution of these remaining funds meets the Federal Department of Treasury guidance for the permissible uses of CARES Act funds, and to provide opportunity for City of Kenai businesses to be eligible for grants equal to the size of grants offered by the Kenai Peninsula Borough to businesses located outside of City limits as well as provide additional opportunity for those businesses that may have not applied for grant funds during the

first application period, the administration recommends that the remaining funds allocated to the Business and Nonprofit Entity Recovery Grants program be distributed through a second grant program (Round 2) to businesses similar in form to the first Grant Disbursement Program (Round 1); and,

WHEREAS, the Alaska Housing Finance Corporation (AHFC) administered the Alaska Housing Relief Program earlier this summer, which provided up to \$1,200 for each eligible household to assist with housing costs, payable directly to their lender or landlord; and,

WHEREAS, approximately 80 households in the City of Kenai qualified and took advantage of this statewide funding; and,

WHEREAS, AHFC has agreed to continue administering the housing relief program for Kenai residents, via a sub-recipient grant agreement and using CARES Acts funds granted to the City; and,

WHEREAS, the Kenai Peninsula Food Bank has agreed to purchase and distribute food boxes at sites in the City of Kenai weekly from September through December to families experiencing financial strain due to the COVID-19 public health emergency via a sub-recipient grant agreement and using CARES Acts funds granted to the City; and,

WHEREAS, this use of these funds providing grants and services to residents experiencing economic hardship or housing insecurity follows CARES Act requirements as interpreted by U.S. Department of the Treasury's guidance for local governments, which allows for necessary expenditures incurred due to the COVID-19 public health emergency and for second order effects of the emergency; and,

WHEREAS, due to the continued impacts to businesses and residents or the possibility of future mandated closures of businesses due to the COVID-19 public health emergency, it is in the best interests of the City to amend the City's grant disbursement program for small businesses and non-profit organizations utilizing funds from the CARES Act as referenced in the Updated Program Guide (Attachment A) and authorize the City Manager to enter into agreements with AHFC for housing relief program administration and with the Kenai Peninsula Food Bank for food distribution in Kenai.

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

Section 1. That the Grant Disbursement Program for Small Businesses and Non-Profit Organizations Utilizing Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act is approved as referenced in the Updated Program Guide (Attachment A) or modified in similar form.

Section 2. That the City Manager is authorized to enter into agreements with AHFC for housing relief program administration and with the Kenai Peninsula Food Bank for food distribution in Kenai.

Resolution No. 2020-70
Page 3 of 3

Section 3. That the program timing and guidelines will be provided to Council for their consideration prior to initiation of the program.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Paul Ostrander, City Manager

DATE: August 26, 2020

SUBJECT: **Resolution 2020-70 – Amending the City’s Grant Disbursement Program**

Administration originally presented the City’s CARES Act grant programs to City Council for approval on June 3. Since then, the program has been amended to allow additional businesses and nonprofits to apply and any remaining funds from the first grant program be distributed through a second grant program to businesses. The program was also expanded to include individual assistance grant programs to provide individual financial assistance to the community’s smaller businesses that did not qualify for the City’s Small Business Grant program, for commercial fishers, and programs to assist residents in need of mental health services and provide small business development and marketing services.

An update on the total expenditures as of August 26, 2020 related to the City’s Relief and Recovery Grant Program is included as Attachment B. To date, the City has received a total of 223 applications for all of the grant programs with 181 eligible grant applications for the Small Business and Nonprofit grants (Round 1). The application period for the \$1,000 Smaller Business, Commercial Fisheries, and Small Business Marketing Services grants closes on August 31. To date, the City has received a total of 18 eligible Commercial Fisheries permit holder grant applications, 14 eligible Smaller Business grant applications, and 10 Marketing Services grant applications.

At its August 11, 2020 special meeting, the Kenai Peninsula Borough authorized CARES Act pass-through grants to the incorporated cities of the Borough. Ordinance 3158-2020 authorizes acceptance of grant and appropriates \$2,675,524.94 to assist in response to and recovery from the COVID-19 public health emergency. Administration has worked with the Borough to determine how these funds may be used as part of the City’s Relief and Recovery Grant Program, with the majority of the funds being allocated to grants to qualifying City of Kenai businesses so that the total of the two rounds of City grants equals the size of the individual grants offered by the Kenai Peninsula Borough to borough businesses located outside of City limits.

Resolution 2020-70 amends the City’s Relief and Recovery Grant Program to add a Round 2 grant disbursement program to small businesses and authorizes two additional individual assistance programs for Rental and Housing Assistance and Food Assistance Services. These

programs would be administered under grant agreements with the Kenai Peninsula Food Bank and Alaska Housing Finance Corporation (AHFC). An update on the total budget and allocations as a result of Resolution 2020-70 is included as Attachment C.

The grant program guidelines are included in the City of Kenai's Relief and Recovery Grant Program Guide included as attachment A to Resolution 2020-70.

Your consideration is appreciated.

Attachments





Establishing City of Kenai COVID-19 Relief and Recovery Grant Programs



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*We're
focused
on getting
relief funds
into the
community
we serve*



410
small
businesses in
Kenai*



106
nonprofits
serving the
community



3,117
individual
households

*Businesses with more than \$50,000 in gross revenues reported on 2019 sales tax returns

Introduction

The Kenai City Council on May 20 approved an approach to distributing CARES Act funds received by the City- identifying broad categories, governmental, private, and nonprofit - to help provide economic relief due to the public health emergency. The Administration focused on developing the grant programs outlined in this document to provide meaningful impact in the community in an expeditious manner.

Along with myself, the team included Project Lead Larry Persily (hired as a temporary employee for this effort), Finance Director Terry Eubank, City Attorney Scott Bloom, and Assistant to City Manager Christine Cunningham. We considered a wide range of programs and guidance along with the need for timely relief support with as few restrictions as possible to ensure relief funds can be spent as needed, balanced with accountability, and a simplified process that is in the best interests of both the City and applicant.

I believe we have assessed the requirements and needs of the City soundly, producing a set of responsive programs to ensure we, as a City, succeed in expending funds to best serve the citizens of Kenai with responsible management.

Paul Ostth

Overview

The City of Kenai expects to receive \$7,700,832 from the Federal Government passed through the State of Alaska for expenditures in response to and to aid in the economic recovery from the COVID-19 Public Health Emergency. The City will also receive \$2,675,524 from the Kenai Peninsula Borough, which is distributing Federal funds it received from the State of Alaska to municipalities on the Peninsula, for a total of \$10,376,356 received by the City for COVID-19 response and economic recovery.

The Administration has evaluated an approach to distributing the economic recovery funds identifying how to best support the long-term recovery of our local economy. This approach includes an allocation plan for expenditure of these funds approved by City Council and designed to identify broad categories – governmental, private, and nonprofit – where help is needed due to impacts associated with the COVID-19 Public Health Emergency.

\$4,175,524 – First Responder and Incident Management Team Payroll. This allocation includes a reimbursement of City payroll expenses for Fire Department, Police Department, Public Safety Dispatch, and Incident Management Team.

\$5,000,000 – Business and Nonprofit Entity Recovery Grants. This allocation includes grant awards to qualifying City of Kenai businesses or nonprofits affected by COVID-19 to offset impacts or to provide mitigation. The City will administer grant programs to determine eligibility and requirements that may apply. The grant program guidelines are included in this document.

\$300,000 – CARES Act Administration & Non-Payroll Expenditures. This allocation includes reimbursement of City expenses related to COVID-19, which have been documented. These expenses include City purchases to ensure the health and safety of City employees and residents due to the disaster. All expenditures from this department will follow all City code requirements.

\$900,832 – Individual Assistance Grants. This allocation will include grants to assist Kenai households impacted by COVID-19. The City will administer the grant programs to determine eligibility restrictions and requirements that may apply. The grant program guidelines are included in this document.

Small Business



Round 1 Small Business Grants

The grant categories for small businesses were divided into four levels, based on each business' 2019 total gross sales for four quarters as reported on their tax returns to the Borough:

- Up to \$2,500 for businesses with 2019 revenues of \$50,000 to \$100,000
- Up to \$5,000 for businesses with 2019 revenues of \$100,000 to \$250,000
- Up to \$7,500 for businesses with 2019 revenues of \$250,000 to \$500,000
- Up to \$10,000 for businesses with 2019 revenues of more than \$500,000

This first round of small business grants closed to applications on July 17, 2020. The City Council directed that any funds left over after all eligible business and nonprofit applicants are paid shall be distributed through a second grant program to businesses. (See Page 5)

A business must have been in existence as of January 1, 2020, to qualify. That would not exclude an existing business with a state license, and that has previously filed tax returns with the Borough even though it may have reported no operations in January 2020 (such as a seasonal business).

For purposes of determining eligibility for a new business without a full year's tax returns for 2019, the City would take gross sales reported for any quarters in 2019 or the first quarter 2020 and

extrapolate the numbers to estimate a full year's sales for the business.

Businesses that are not required to file sales tax returns with the Borough must provide a copy of their most recent federal income tax return or other proof of revenues as deemed suitable by the City review committee to determine the level of grant award they might qualify to receive.

The business must be located within the City of Kenai, with a valid state business license and be current in its sales tax registration with the Kenai Peninsula Borough. The business owner(s) does not have to be a resident of the City of Kenai.

The program was open to all qualifying businesses, regardless of whether they have applied for or have obtained any other state or federal COVID-19-related assistance.

The program excluded from eligibility:

- C Corporations traded on a U.S. stock exchange or a corporate-equivalent entity traded on a foreign stock exchange, and businesses owned in whole or majority-owned by such a publicly traded corporation
- National chains that own and operate their premises in Kenai; franchise owned-and-operated businesses in Kenai would be eligible
- Businesses with a City lien or are in violation of a payment agreement with the City
- Businesses with a Borough lien for unpaid sales taxes. A sales tax delinquency would not disqualify a business from the grant program unless the borough has initiated a lien on that debt. Businesses that have entered into a payment plan with the Borough and are adhering to that plan would be eligible for the grant, so long as the lien has been lifted

(continued on next page)

Small Business

- Businesses currently in bankruptcy proceedings
- Businesses that lack a permanent physical presence in the City for the sale of goods or the provision of services, with at least one worker assigned to that facility
- Marijuana businesses licensed under Alaska Statute 17.38.

Businesses sharing physical quarters may each apply and qualify for their own grant, so long as each business has its own state license, files a sales tax return under its own name and does not share the same ownership with the other co-located businesses.

Applicants were required to self-certify that they have been affected by the COVID-19 public health emergency and resulting economic impacts. The intent of the federally funded CARES Act program is to assist communities and businesses that suffered economic harm from the public health emergency. Impacts could include, though are not limited to, loss of sales due to mandatory shutdown, inventory loss, additional operating expenses of reopening and protecting staff and customers, including funds already spent for those purposes.

Businesses were not required to detail specifically (in dollars) how they were affected.

Business were asked how they might use the money, making clear that the application question is voluntary and for informational purposes only to gauge community need and effectiveness of the program.

Applicants were required to check a box that states they intend to remain in business into 2021. The grant funds must be fully expended by December 30, 2020.

The applicant must certify that the information provided is true and accurate and that they agree to assist in the verification of information provided in the application and to provide additional information to the City, if requested.

The application period was initially open for two weeks, June 5 to June 19, 2020, and re-opened from July 10 to July 17 to allow additional businesses to apply.

The City review committee determined whether the application was complete and the business was eligible under the program requirements. The committee did not judge the need or use of the money.

An applicant denied by the review committee may appeal to the City Manager (in writing). Any appeal must be filed in writing by 5 p.m. the 10th calendar day after the day the applicant received notice from the City.

It is the City's intent, to the extent allowed by law, that the review committee's work and discussions, and the applications themselves, will not be available to the public. The names of businesses that receive grants and the amount each receives will be considered a public record.

The City reserves the right to amend any criteria or procedures as may be required if new state or federal guidelines are issued.

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Small Business

Round 2 Small Business Grants

The City is offering a second round of grants to Kenai businesses that provides larger grant amounts than Round 1, so that the total grant funds available for each eligible business in the City of Kenai is equal to the size of the grants offered by the Kenai Peninsula Borough to businesses located outside of City limits.

Round 2 also lowers the minimum revenues a business needs to be eligible to receive a grant to \$20,000, consistent with the Borough's program. Businesses that received grants in Round 1 of the City program will need to reapply for Round 2 — the application form will request additional information. Also, businesses that did not apply in Round 1 will be eligible to apply in Round 2 to receive the maximum allowed under both programs.

The City will begin accepting applications on October 1 for Round 2 of its COVID-19 Relief and Recovery Grant Program for businesses.

The Round 2 grant categories will be divided into five levels based on each business' 2019 total gross sales for four quarters as reported on their tax returns to the Borough:

These amounts are in addition to the amount the business was eligible to receive in Round 1.

- Up to \$750 for businesses with 2019 revenues of \$20,000 to \$50,000
- Up to \$1,000 for businesses with 2019 revenues of \$50,000 to \$100,000
- Up to \$3,750 for businesses with 2019 revenues of \$100,000 to \$250,000:
- Up to \$10,000 for businesses with 2019 revenues of \$250,000 to \$500,000
- Up to \$25,000 for businesses with 2019 revenues of over \$500,000

NOTE: If the Borough grant levels are increased, the City of Kenai grant levels will be increased to match the Borough levels.

Similar to Round 1, a business must have been in existence as of January 1, 2020, to qualify. That would not exclude an existing business with a state license, and that has previously filed tax returns with the Borough even though it may have reported no operations in January 2020 (such as a seasonal business).

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The City of Kenai is matching the size of individual business grants available for Borough businesses as follows:

Business Revenues	Round 1 Grant Amount	Round 2 Grant Amount	Total Grant Amounts
\$20K - \$50K	\$1,000	\$750	\$1,750
\$50K - \$100K	\$2,500	\$1,000	\$3,500
\$100K - \$250K	\$5,000	\$3,750	\$8,750
\$250K - \$500K	\$7,500	\$10,000	\$17,500
>\$500K	\$10,000	\$25,000	\$35,000

✓ Round 1 Grant Amount

✓ Round 2 Grant Amount

Small Business

For purposes of determining eligibility for a new business without a full year's tax returns for 2019, the City would take gross sales reported for any quarters in 2019 and the first quarter 2020 and extrapolate the numbers to estimate a full year's sales for the business.

Businesses that are not required to file sales tax returns with the Borough must provide a copy of their most recent federal income tax return or other proof of revenues as deemed suitable by the City review committee to determine the level of grant award they might qualify to receive.

The amount of the grant for businesses with locations inside and outside the City will be based solely on their revenues from the business location within the City of Kenai.

The business must be located within the City of Kenai, with a valid state business license and be current in its sales tax registration with the Kenai Peninsula Borough. That could be an office, warehouse, shop or other premise owned, leased or rented and operated by the applicant. The business owner(s) does not have to be a resident of the City of Kenai.

Businesses sharing physical quarters may each apply and qualify for their own grant, so long as each business has its own state license, files a sales tax return under its own name and does not share the same ownership with the other co-located businesses. Such so-located businesses under the same owner will be eligible for one grant.

Businesses that have applied for or have obtained any other state or federal COVID-19-related assistance are not necessarily disqualified from the City program.

The program will exclude from eligibility the same list of businesses excluded in Round 1, including:

- C Corporations traded on a U.S. stock exchange or a corporate-equivalent entity traded on a foreign stock exchange, and businesses owned in whole or majority-owned by such a publicly traded corporation
- National chains that own and operate their premises in Kenai; franchise owned-and-operated businesses in Kenai would be eligible
- Businesses with a City lien or are in violation of a payment agreement with the City
- Businesses with a Borough lien for unpaid sales taxes. A sales tax delinquency would not disqualify a business from the grant program unless the borough has initiated a lien on that debt. Businesses that have entered into a payment plan with the Borough and are adhering to that plan would be eligible for the grant, so long as the lien has been lifted

Applicants will be required to certify that they have been affected by the COVID-19 public health emergency and resulting economic impacts. Because the grants in Round 2 are significantly larger than in Round 1, the City will ask for additional information of applicants:

- Additional information on economic hardship suffered by the business, either lost revenue or additional costs of operations.
- Additional information on other similar financial assistance received from the Borough or other cities on the Kenai Peninsula.

As with Round 1 grants, the funds in Round 2 must be fully expended by December 30, 2020.

If the demand for grants in the second round exceeds the City's available funds, the City reserves the right to prorate the grants to stay within available funding.

Nonprofits



The grants for nonprofits were divided into three levels to help meet the needs of repairing the economic damage to nonprofits caused by the COVID-19 public health emergency:

- Up to \$10,000 for nonprofits of less than \$50,000 in annual revenue
- Up to \$25,000 for nonprofits of between \$50,000 and \$250,000 in annual revenue
- Up to \$50,000 for nonprofits of more than \$250,000 in annual revenue

This application period for nonprofit grants closed on July 17, 2020. The initial application period for grants was open for two weeks, June 5, 2020 to June 19, 2020, and the City Council re-opened the application period from July 10, 2020 to July 17, 2020 to allow additional nonprofits to apply that did not apply in the first round.

Annual income was determined by the nonprofit's most recent IRS Form 990 from 2018 or 2019. For those nonprofits that do not file with the IRS, the City accepted an audited financial statement or an unaudited statement by a third-party preparer.

The program was open to nonprofits that provide services to residents of the City, regardless of where the nonprofit has its main office — though the nonprofit must have a physical or service presence within the City of Kenai — and regardless of whether the local chapter or affiliate is part of a larger statewide or national organization.

Additional eligibility rules:

- The grants were available only to IRS-certified 501 nonprofits (the full list of IRS 501 nonprofit categories were on the application)
- The nonprofit must have been in operation serving City of Kenai residents since at least January 1, 2019
- A majority of the group's local board of directors or local advisory board and its officers must be Alaska residents. A local affiliate of a national organization must have a local advisory or governing board
- Faith-based nonprofits are eligible, so long as they provide services which are promoted and available to the general public without regard to religious affiliation
- Nonprofit organizations "that are principally engaged in teaching, instructing, counseling, or indoctrinating religion or religious beliefs, whether in a religious or secular setting, or primarily engaged in political or lobbying activities" are not eligible (as per 13 CFR § 120.110(k) in the Code of Federal Regulations)

The grant funds must be fully expended by December 30, 2020.

The program was limited to nonprofits economically damaged by the COVID-19 public health emergency. The nonprofit was required to certify and briefly describe how it and/or its work has been affected, but was not required to provide financial statements, budgets, receipts or other records detailing the financial damages.

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Nonprofits

The program was open to all qualifying nonprofits, regardless of whether they applied or obtained any other state or federal COVID-19-related assistance.

Applicants were asked to provide a brief report to the City no later than one year after receipt of the grant funds, reviewing the use of the money. This is voluntary and is requested to assist the City in evaluating the impact of the program.

A nonprofit cannot obtain a grant through the City's CARES Act-funded grant program for nonprofits while also receiving a grant as a small business, even if the nonprofit also operates a business enterprise in Kenai.

The applicant needed to certify that the information provided is true and accurate, and they agree to assist in the verification of information provided in the application and to provide additional information to the City, if requested.

The review committee determined whether the application was complete and the nonprofit was eligible under the program requirements. The committee did not judge the need or use of the money.

An applicant denied by the review committee may appeal to the City Manager (in writing). Any appeal must be filed in writing by 5 p.m. the 10th calendar day after the day the applicant received notice from the City.

It is the City's intent, to the extent allowed by law, that the review committee's work and discussions, and the applications themselves, will not be available to the public. The names of businesses that receive grants and the amount each receives will be considered a public record.

The City reserves the right to amend any criteria or procedures as may be required if new state or federal guidelines are issued.

Individual Assistance



The City of Kenai has worked to establish several grant programs to provide individual financial assistance to the community's smaller businesses that did not qualify for Round 1 of the City's Small Business Grant program, for commercial fishers, and for renters and homeowners. The City continues to look into a program to assist residents in need of mental health services in the months ahead as the emotional strains of the COVID-19 public health emergency continue to weigh on the community. It has also established a program to assist the business community with professional marketing support in light of decreased customer demand.

The specifics of the programs are:

Individual Assistance to Small Business

The program provides grants of \$1,000 each to small businesses with 2019 reported gross revenues (as per sales tax records or other acceptable forms of proof of revenues) of between \$25,000 and \$50,000. The eligibility requirements are similar to Round 1 of the City's Small Business grant program that provided funds for business with revenues above \$50,000 a year.

To qualify for the program, the smaller business:

- Must certify it was impacted by the COVID-19 public health emergency.
- Must be physically located in Kenai, with a valid state business license showing a Kenai address for the business (a home-based business would be eligible).
- Must not be in violation of a payment plan on a debt to the City.
- Must not be under a borough lien for unpaid sales taxes.
- Must not be in bankruptcy proceedings.

Businesses must have been in existence in Kenai as of January 1, 2020, to qualify.

Applicants will be required to briefly describe how the COVID-19 public health emergency has affected their operations but will not be required to provide detailed financial information on lost revenues due to shutdowns or additional expenses of reopening under public health guidelines.

The application period opened Friday, July 10, and will close at 5 p.m. Monday, August 31. Applications may be submitted online at the City website, by mail to City Hall or dropped off at City Hall. The City intends to review the applications and distribute the funds as quickly as possible.

The City has set aside \$150,000 for this program, subject to demand.

NOTE: The Round 2 business grants opened up the program to businesses with a minimum of \$20,000 in annual revenues. (See also p. 5)

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Individual Assistance

Individual Assistance to Commercial Fishers

The program will provide grants of \$1,000 each to Alaska Commercial Fisheries Entry Commission permit holders who reside in the City of Kenai and reported landings in 2019 with revenues of at least \$10,000.

The program is open to commercial fishing permit holders but not crew members.

Applicants must certify their fishing income was affected by the COVID-19 public health emergency (such as lower prices due to reduced market demand) and will be asked to briefly describe how the public health emergency has affected their operations but will not be required to provide detailed financial information on lost revenues due to shutdowns or decreased customer demand, or additional expenses of operating under public health guidelines.

The application period opened Friday, July 10, and will close at 5 p.m. Monday, August 31.

Applications may be submitted online at the City website, by mail to City Hall or dropped off at City Hall. The City intends to review the applications and distribute the funds as quickly as possible.

The City of Kenai has set aside \$150,000 for this program, subject to actual demand.

Rental and Mortgage Relief

The City of Kenai will execute a Memorandum of Understanding with the Alaska Housing Finance Corporation (AHFC) to extend for City of Kenai residents by four months (September through December) the rental assistance and mortgage relief program the State funded for July.

Using a portion of the State's share of federal CARES Act funds, AHFC provided up to \$1,200 in rental assistance or mortgage relief for one month for Alaska households.

The City of Kenai and several other municipalities around the State contacted AHFC to extend the assistance program at each city's expense. Working with AHFC provides an efficient and cost effective method to handle the online applications, income verification and payment distribution, rather than the City of Kenai setting up its own operation. In addition, AHFC has agreed to handle the work at no cost to the City. The City of Kenai will reimburse AHFC only for the actual rental assistance and mortgage relief payments it sends out each month on behalf of eligible Kenai residents to their landlords or mortgage holders.

The payments can only go toward rent or a mortgage payment, at a maximum \$1,200 per household per month. The program has a household income cap, and the maximum household income in Kenai to qualify for the program is \$71,760 a year. The application will ask residents to verify their loss of income due to the COVID-19 public health emergency and to verify the information to remain eligible each month.

Applicants to this summer's AHFC program will be notified to apply for the City-funded assistance program, and the City will publicize the CARES Act assistance to ensure that anyone who did not apply for the AHFC payments in July has the opportunity to apply for the City's four-month program.

The City has set aside \$400,000 for this program, subject to available funding and demand.

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Individual Assistance

Mental Health Services

The City continues to look into contracting with mental health professionals in Kenai to provide counseling for individual residents affected by the COVID-19 public health emergency and in need of mental health services. The program would cover a resident's out-of-pocket expenses after any insurance or if they lack insurance coverage for the services. There would be no income limit for participating in the program.

If the City determines this program is feasible, it will announce the service provider after a procurement process and will publicize the availability of the service to the public. The intent is that the City would issue a contract for an amount not to exceed \$50,000 for mental health counseling services, with individuals limited to no more than six counseling sessions to ensure that as many people as possible can participate.

The contractor would bill the City for its services at a fixed hourly rate without identifying the individuals, only the total number of hours in a billing cycle. The identity of individuals would be held confidential by the service provider, the same as any other doctor-patient relationship. Individuals would inquire about the services and make appointments directly with the mental health provider; the City would not be involved in anything more than payments to the provider.

The service would be provided prior to December 30, 2020, subject available funding and demand. The City expects to have the program available to the public in September.

Small Business Development/ Marketing Services

The City of Kenai has contracted with a marketing service provider to assist local businesses that reported gross revenues of at least \$10,000 in 2019 (as per sales tax records or other acceptable forms of proof of revenues) in their marketing, social media and online presence, as businesses focus on repairing the economic damage suffered during the COVID-19-related shutdown and restructuring their business to operate under the new rules of commerce and social activity.

The City issued a contract for an amount not to exceed \$50,000 to provide a \$1,000 credit to each eligible business in Kenai that can be used with the marketing service provider.

The eligibility requirements are similar to the City Small Business Grant and Individual Assistance for Small Business programs. The business must certify it was impacted by the COVID-19 public health emergency and be physically located in Kenai. Once the business has been approved for the program, the marketing service provider will provide an assessment and customize marketing services for each participating business limited to \$1,000 in services covered by the City funding.

The application period opened August 13, and will close at 5 p.m. on November 6. Applications may be submitted online at the City website, by mail to or dropped off at City Hall. The City intends to review the applications and distribute the funds as quickly as possible.

The service would be provided prior to December 30, 2020, subject available funding and demand.

(Continued on next page)

Individual Assistance

Food Assistance Services

The City would issue a grant to the Kenai Peninsula Food Bank to purchase and distribute food boxes at sites in the City of Kenai weekly for September through December. The grant would require the organization to distribute 150 food boxes a week for 16 weeks to City of Kenai residents, comparable to the number of households that have participated in recent food distribution events organized by the Food Bank and one of its volunteer partners in the City of Kenai. Strong demand at those events and at partner food pantry sites in the community indicates a substantial need for food assistance for many Kenai households. The program would assist Kenai families experiencing financial strain due to the COVID-19 public health emergency in the months ahead.

The \$65,000 grant would ensure an assortment of healthy foods each week, delivered to convenient locations in the City for easy pickup by City of Kenai residents. To the extent that other foods are available from federal surplus programs, those items would be added to the City of Kenai distribution at no additional cost to the City.

The City and the Food Bank would actively publicize this temporary assistance program to ensure maximum participation by City of Kenai residents who need the assistance.

The service would be provided prior to December 30, 2020, subject available funding and demand. The City expects to have the program available to the public by early September.

Conclusion

The City of Kenai will administer the grant programs without incurring the additional cost of an outside group or foundation to screen, process or assist in administration of the grant program, except for programs in with the City contracts with a service provider for individual assistance programs.

In order to reach the small businesses and nonprofit organizations and individuals in the City that may be eligible, a successful community outreach strategy is necessary. This strategy will include the following:

- Press Releases to local media
- Direct mail to small businesses, nonprofits, permit holders or other groups
- Coordination with the Kenai Peninsula Economic Development District (KPEDD), Kenai Chamber of Commerce and Visitor Center (KCCVC), and Small Business Development Center (SBDC)
- Social Media posts

Information about the programs as well as application forms, FAQs, a summary of the program and application process, and timetable will be provided on the City's website at www.kenai.city as well as a direct contact email and phone number for inquiries.



City of Kenai COVID-19 CARES Act
Relief and Recovery Grant Programs
Program Update
Attachment B

	Budget	Actual FY20	Actual FY21	Total Expenditures	Available
First Responder and Incident Management Team Payroll	\$ 3,500,000.00	\$ 2,005,476.77	\$ 458,413.14	\$ 2,463,889.91	\$ 1,036,110.09
Business and Nonprofit Entity Recovery Grants	3,000,000.00	1,905,000.00	310,000.00	2,215,000.00	785,000.00
CARES Act Administration & Non-Payroll	300,000.00	134,425.31	16,486.32	150,911.63	149,088.37
Individual Assistance Grants					
Small Business (\$150,000)	150,000.00	-	14,000.00	14,000.00	136,000.00
Commerical Fishers (\$150,000)	150,000.00	-	21,000.00	21,000.00	129,000.00
Rental and Mortgage Relief (\$150,000)	150,000.00	-	-	-	150,000.00
Mental Health Services (\$50,000)	50,000.00	-	-	-	50,000.00
Small Business Marketing Services (\$50,000)	50,000.00	-	-	-	50,000.00
Unassigned	350,832.00	-	-	-	350,832.00
Total Individual Assistance Grants	<u>900,832.00</u>	<u>-</u>	<u>35,000.00</u>	<u>35,000.00</u>	<u>865,832.00</u>
Total All	<u>\$ 7,700,832.00</u>	<u>\$ 4,044,902.08</u>	<u>\$ 819,899.46</u>	<u>\$ 4,864,801.54</u>	<u>\$ 2,836,030.46</u>

August 26, 2020



City of Kenai COVID-19 CARES Act
 Relief and Recovery Grant Programs
 Ordinance 3158-2020 & Resolution 2020-70
 Proposed Program Amendments
 Attachment C

	Current Budget	Budget After Ord. 3158-2020/ Reso. 2020-70	Actual FY20	Actual FY21	Total Expenditures	Available After Ord. 3158-2020/ Reso. 2020-70
First Responder and Incident Management Team Payroll	\$ 3,500,000.00	\$ 4,175,524.00	\$ 2,005,476.77	\$ 458,413.14	\$ 2,463,889.91	\$ 1,711,634.09
Business and Nonprofit Entity Recovery Grants						
Round 1: Small Business and Nonprofit Grants	3,000,000.00	2,215,000.00	1,905,000.00	310,000.00	2,215,000.00	-
Round 2: Small Business Grants	-	2,785,000.00	-	-	-	2,785,000.00
Total Business and Nonprofit Entity Recovery	3,000,000.00	5,000,000.00	1,905,000.00	310,000.00	2,215,000.00	2,785,000.00
CARES Act Administration & Non-Payroll	300,000.00	300,000.00	134,425.31	16,486.32	150,911.63	149,088.37
Individual Assistance Grants						
Small Business	150,000.00	150,000.00	-	14,000.00	14,000.00	136,000.00
Commerical Fishers	150,000.00	150,000.00	-	21,000.00	21,000.00	129,000.00
Rental and Mortgage Relief	150,000.00	400,000.00	-	-	-	400,000.00
Mental Health Services	50,000.00	50,000.00	-	-	-	50,000.00
Small Business Marketing Services	50,000.00	50,000.00	-	-	-	50,000.00
Food Assistance Services	-	65,000.00	-	-	-	65,000.00
Unassigned	350,832.00	35,832.00	-	-	-	35,832.00
Total Individual Assistance Grants	900,832.00	900,832.00	-	35,000.00	35,000.00	865,832.00
Total All	<u>\$ 7,700,832.00</u>	<u>\$ 10,376,356.00</u>	<u>\$ 4,044,902.08</u>	<u>\$ 819,899.46</u>	<u>\$ 4,864,801.54</u>	<u>\$ 5,511,554.46</u>

August 26, 2020



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3159-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A MUNICIPAL ARTS & CULTURE MATCHING GRANT FROM THE RASMUSON FOUNDATION IN THE COVID-19 CARES ACT RECOVERY FUND.

WHEREAS, the City applied for and received a \$50,000 Municipal Arts & Culture Matching Grant from the Rasmuson Foundation; and,

WHEREAS, the Municipal Arts & Culture Matching Grant Program was designed to increase municipal allocation of Alaska’s CARES Act “Direct Municipal Relief” funds to arts and culture organizations; and,

WHEREAS, the City issued five CARES Act grants to local not for profit, arts and culture organizations including the Kenai Historical Society, the Kenai Peninsula Orchestra, the Kenai Performers, the Performing Arts Society, and the Peninsula Arts Guild; and,

WHEREAS, providing supplemental funding in the amount of \$10,000 to each of these organizations utilizing grant funds received from the Rasmuson Foundation is in the best interest of the City and its residents.

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

Section 1. That the City Manager is authorized to accept a grant in the amount of \$50,000 from the Rasmuson Foundation and to expend the funds in accordance with grant provisions and this ordinance.

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

COVID19 CARES Act Recovery Fund:	
Increase Estimated Revenues –	
Other Grants	<u>\$50,000</u>
Increase Appropriations – Business and Not-for-Profit Recovery Grants	
Grants	<u>\$50,000</u>

Section 3. That the City Manager is authorized to execute a grant agreement and to expend the funds pursuant to that agreement and this ordinance.

Section 4. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved

Ordinance No. 3159-2020
Page 2 of 2

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: August 19, 2020
Enacted: September 2, 2020
Effective: September 2, 2020



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Paul Ostrander, City Manager

DATE: August 13, 2020

SUBJECT: **Ordinance 3159-2020 – Rasmuson Foundation Arts and Culture Grant**

The City applied for and received a \$50,000 Municipal Arts & Culture Matching Grant from the Rasmuson Foundation to support local arts and culture organizations. The Municipal Arts & Culture Matching Grant Program was designed to match municipal allocation of CARES Act funding to arts and culture organizations that received federal CARES Act funding through municipalities.

The City issued five CARES Act grants to local nonprofit arts and culture organizations that applied for grants through the City's First Relief and Recovery Grant Program Period. The application period was open for two weeks, June 5, 2020 to June 19, 2020 and re-opened from July 10, 2020 to July 17, 2020 and was open to nonprofits that provide services to residents of the City. The arts and culture organizations that received funds under the program and are eligible for the additional funding are the Kenai Historical Society, the Kenai Peninsula Orchestra, the Kenai Performers, the Performing Arts Society, and the Peninsula Arts Guild.

Ordinance 3159-2020 provides additional funding in the amount of \$10,000 to each of these organizations utilizing grant funds received from the Rasmuson Foundation and will allow the City to distribute the funds.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3160-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE AND THE AIRPORT EQUIPMENT CAPITAL PROJECT FUND AND DECREASING REVENUES AND APPROPRIATIONS IN THE AIRPORT EQUIPMENT CAPITAL PROJECT FUND FOR COSTS INELIGIBLE UNDER THE FEDERAL AVIATION ADMINISTRATION'S AIRPORT IMPROVEMENT GRANT PROGRAM FOR THE PURCHASE OF SNOW REMOVAL EQUIPMENT (SRE) – LOADER WITH ATTACHMENTS.

WHEREAS, Ordinance 3117-2020 SUBSTITUTE appropriated funds for the purchase of a new wheeled loader utilizing Airport Improvement Program (AIP) Grant Funds and CARES Act Grant Funds from the Federal Aviation Administration (FAA); and,

WHEREAS, subsequent to the passage of Ordinance 3117-2020 SUBSTITUTE, FAA staff have determined that diagnostic equipment, costing \$3,900, purchased with the loader is not eligible under the AIP Grant Program; and,

WHEREAS, the actual grant award from the FAA has been amended requiring local funds to pay for these ineligible costs; and,

WHEREAS, bids for the loader replacement were received in June and in the interest of expediting the issuance of a purchase order utilizing the provision of KMC 1.15.70(d) which provides for the introduction and final passage of an appropriating ordinance at a single meeting is in the best interest of the City; and,

WHEREAS, sufficient funds are available in the Airport Special Revenue Funds and the purchase of equipment for efficient snow removal at the airport is in the public interest.

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

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

Airport Special Revenue Fund:	
Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$3,900</u>
Increase Appropriations –	
Airfield – Transfer to Other Funds	<u>\$3,900</u>

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

Airport Equipment Capital Project Fund:	
Increase Estimated Revenues –	
Transfer from Other Funds	<u>\$3,900</u>

Increase Appropriations –	
Equipment	<u>\$3,900</u>

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

Airport Equipment Capital Project Fund:	
Decrease Estimated Revenues –	
Airport Improvement Program	\$(3,656
CARES Act	<u>(244)</u>
	<u>\$(3,900)</u>

Decrease Appropriations –	
Equipment	<u>\$(3,900)</u>

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: September 2, 2020
Enacted: September 2, 2020
Effective: September 2, 2020



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Mary Bondurant, Airport Manager
DATE: August 20, 2020
SUBJECT: **Resolution No. 3160-2020**

It was discovered during the grant application process that four items identified as diagnostic repair and software items are not Airport Improvement Program eligible.

The FAA grant application has been corrected to reflect \$3,900 as non-AIP eligible and a responsibility of the City.

This Ordinance appropriates \$3,900 from the Airport Special Revenue Fund to pay for these items.

Thank you for your consideration.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3161-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE COVID-19 CARES ACT RECOVERY FUND AND ACCEPTING A CARES ACT GRANT PASSED THROUGH THE KENAI PENINSULA BOROUGH FOR KENAI SENIOR CENTER EXPENDITURES IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020, and other positive diagnoses have since occurred on the Kenai Peninsula; and,

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020, and the President of the United States issued a Proclamation Declaring a National Emergency on March 13, 2020; and,

WHEREAS, on March 18, 2020, the City Manager declared a local disaster emergency that was extended the same day by the City Council; and,

WHEREAS, on March 24, 2020, the City Council enacted Ordinance 3115-2020 granting the City Manager City certain emergency powers; and,

WHEREAS, on April 9, 2020 President Donald J. Trump approved a Disaster Declaration for the State of Alaska; and,

WHEREAS, the State of Alaska's distribution of \$568,572,886 to local governments included \$37,458,449 to the Kenai Peninsula Borough; and,

WHEREAS, the Borough has initiated a pass-through grant program to senior citizen centers that will provide up to \$50,000 for expenditures related to response and recovery from the COVID-19 Public Health Emergency; and,

WHEREAS, the Kenai Senior Center has applied and been awarded a grant for \$50,000 to be used for meal distribution and facility improvements; and,

WHEREAS, the grant requires the expenditure of funds by November 30, 2020 prompting the request to utilize the provision of KMC 1.15.70(d) which provides for the introduction and final passage of an appropriating ordinance at a single meeting; and,

WHEREAS, acceptance of these pass through-funds is in the best interest of the City, its business and its residents.

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

Section 1. That the City Manager is authorized to accept a grant in the amount of \$50,000 from the Federal Government passed through the Kenai Peninsula Borough for Kenai Senior Center expenditures in response to and recovery from the COVID-19 Public Health Emergency.

Section 2. That the City Manager is authorized to execute grant agreements to accept these funds and expend the funds pursuant to that agreement and this ordinance.

Section 3.

That the estimated revenues and appropriations be increased as follows:

COVID-19 Cares Act Recovery Fund:

Increase Estimated Revenues –
Federal Grants \$50,000

Increase Appropriations –
City Resiliency and Recovery
General Contingency \$50,000

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


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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: September 2, 2020
Enacted: September 2, 2020
Effective: September 2, 2020



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Paul Ostrander, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: August 21, 2020
SUBJECT: **Ordinance No. 3161-2020**

Representatives of senior centers on the Kenai Peninsula Borough met via ZOOM July 31st to discuss the impacts to their programs and additional costs incurred as the result of the COVID-19 public health emergency. The general consensus included the need to retrofit facilities for future congregate settings while maintaining social distancing mandates or to address the financial impacts of providing additional meals to seniors during this time.

The centers were then asked to provide information to be shared with the assembly with the concerns pertinent to their programs. On August 11, 2020, the Kenai Peninsula Borough Assembly approved \$50,000 to each senior center within the Borough to use to mitigate COVID-19. The Kenai Senior Center will be using these funds to change to touch free appliances or fixtures wherever possible and to increase space for social distancing in the Card Room/Library.

Your support for the Ordinance No. 3161-2020 is greatly appreciated.

Thank you.



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Scott Bloom, City Attorney

DATE: August 27, 2020

SUBJECT: **Resolution No. 2020 – 71 – Approving An Airline Operating Agreement and Terminal Areal Lease with Corvus Airlines, Inc., D/B/A Ravn Alaska**

RAVN Air Group, Inc filed chapter 11 Bankruptcy in the Spring of 2020 and ceased flight operations in Kenai. FLOAT shuttle recently completed a purchase of a significant portion of RAVN Air Group's assets and is looking to reestablish flight service in Kenai as Corvus Airlines, DBA Ravn Alaska beginning September 22, 2020 at the earliest. The City administration has been working with the new ownership group to reestablish service in Kenai and thought all the pieces of the puzzle would be in place for this packet. However, there are still outstanding issues that need to be addressed, and administration requests Council postpone this Resolution indefinitely and a new resolution will be brought back before Council as soon as September 16, 2020 to allow for operations to begin on September 22 if necessary.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020-72

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA APPROVING THE EXECUTION OF A LEASE OF AIRPORT RESERVE LANDS USING THE STANDARD LEASE FORM BETWEEN THE CITY OF KENAI AND ALASKA AIR FUEL, INCORPORATED, FOR A PORTION OF LOT 5, FBO SUBDIVISION NO. 8.

WHEREAS, Alaska Air Fuel, Incorporated, submitted a complete lease application to the City and paid the required application fee; and,

WHEREAS, Alaska Air Fuel, Incorporated, is eligible for a lease for a term of 45 years based upon an investment amount of \$1,000,000 and pursuant to KMC 21.10.080 –Length of Lease Term; and,

WHEREAS, Alaska Air Fuel, Incorporated, is current on obligations to the City of Kenai for its existing special use permits; and,

WHEREAS, a subdivision is necessary to create the parcel Alaska Air Fuel desires to lease; and,

WHEREAS, other Airport purposes are served by the subdivision because an additional lease lot will be created and the right-of-way will extended for North Willow Street in alignment with the Airport Layout Plan and; and,

WHEREAS, City Council may choose that the City will share in the subdivision costs with an applicant under Kenai Municipal Code 21.10.040(c) if other airport purposes are served by the subdivision; and,

WHEREAS, the lease use will be a fixed based operator (FBO) with hangar and office; and,

WHEREAS, the lease use is compatible with Kenai Municipal Zoning Code for allowed uses within the Airport Light Industrial (ALI) Zone; and

WHEREAS, the lease use conforms to the 2016 Comprehensive Plan and supports Goal 5 – Transportation: provide transportation systems that are efficient and adequate to serve the regional needs of the community; and,

WHEREAS, the use proposed is compatible and conforms with the Airport Land Use Plan, Airport Layout Plan, Federal Aviation Administration regulations, Airport Master Plan, Airport Improvement Program grant assurances, and Airport operations; and,

WHEREAS, the City of Kenai did not receive a competing lease application within 30 days of publishing a public notice of the lease application, pursuant to KMC 21.10.075 – Competing Applications; and,

WHEREAS, at its regular meeting on August 13, 2020, the Airport Commission reviewed the lease renewal application submitted by Alaska Air Fuel, Incorporated and recommended approval by the City Council; and,

WHEREAS, at its regular meeting on August 12, 2020, the Planning and Zoning Commission reviewed the lease renewal application submitted by Alaska Air Fuel, Incorporated and recommended approval by the City Council as long as the lessee’s subdivision of the lot would leave the City with a useful and leasable remaining parcel.

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

Section 1. That a Lease of Airport Reserve Lands is approved contingent on a completed subdivision and the City Manager is authorized to execute a lease between the City of Kenai, Lessor, and Alaska Air Fuel, Incorporated, Lessee, after completion of a subdivision, with the following conditions:

Lot improvements as outlined in lease application a hangar with office space to be completed within two (2) years of signing the lease;

The lease term will be 45 years;

Lot developments will prevent unauthorized access to the airfield;

Structures will be built behind the 100 foot building restriction line;

Parking spaces will be provided as required by Kenai Municipal Code 14.20.250 – Off-street parking and loading requirements;

Alaska Air Fuel, Incorporated is responsible for all snow removal, and snow may not touch the perimeter security fence or be piled to a height that would allow access to the airport; and

Section 2. That a subdivision of the property must occur prior to the lease to create a parcel with the 280 foot width and 392 foot depth as Alaska Air Fuel requested to lease, create a new parcel to be retained by the City covering the remaining adjacent treed area, and dedicate the right-of-way for North Willow Street that continues northwest through parcel 04318044, described as All of Section 32 excluding Subdivisions & Leased Areas & Kenai Municipal Airport Float Plane Basin Replat as shown on Attachment A, with the cost of the subdivision being shared equally by the City of Kenai and Alaska Air Fuel, Incorporated.

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

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Elizabeth Appleby, City Planner

DATE: August 25, 2020

SUBJECT: **Resolution No. 2020-72 – Execution of a Lease of Airport Reserve Lands Between the City of Kenai and Alaska Air Fuel, Inc.**

Alaska Air Fuel submitted an application to the City for a Lease of Airport Reserve Lands for the property described as a portion of Lot 5, FBO Subdivision No. 8 located at 525 N. Willow St. The Kenai Peninsula Borough parcel number is 04336043. The application requests a term of 45 years, with an investment value clarified by email of \$1 million dollars. Pursuant to the term table in Kenai Municipal Code (KMC) 21.10.080 (b), the City and the applicant are in agreement to a term of 45 years. Pursuant to Kenai Municipal Code 21.10.075 – Leasing and Acquisition of Airport Reserve Lands, Competing Applications, the City posted notice of the lease application and has not received a competing lease application for the parcel.

The applicant states that the use of the premises will be FBO with hangar and office. The applicant's initial stated uses also included crew quarters and a coffee shop, but these uses were deleted from the application after discussion with the City. Alaska Air Fuel would not like to lease a portion of the entire parcel and subdivision must be completed prior to a lease document being signed. Alaska Air Fuel would need to comply with Airport fencing requirements and parking. Their site plan shows an approximation of the fence location and notes that additional parking spaces would need to be added into the design prior to obtaining a building permit.

The parcel is within the Airport Light Industrial (ALI) Zone per Kenai Municipal Code (KMC) 14.20.065. The intent of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. The proposed uses by Alaska Air Fuel are permitted and compatible uses in the ALI Zone.

The proposed use by Alaska Air Fuel complies with the 2016 Imagine Kenai 2030 Comprehensive Plan. It supports Goal 5-Transportation, which has a vision for Kenai Municipal Airport as a gateway to the Kenai Peninsula and West Cook Inlet.

The Airport Land Use Plan was developed to identify the highest and best uses of Kenai Municipal Airport land. The Airport Land Use Plan discusses leasing land and enhancing opportunities for

local economic development. The proposed use by Alaska Air Fuel, Inc. complies with the Airport Land Use Plan.

The Airport Commission recommended approval of the lease application during their August 13, 2020 meeting. The Planning and Zoning Commission recommended approval of the lease application during their August 12, 2020 meeting. However, the Planning and Zoning Commission had reservations about the subdivision leaving the City with small-size parcel and recommended the applicant either lease the entire parcel or leave the City with a larger parcel by bumping the lot line out. The applicant would still like to lease a portion of the lot and is aware the City would require that the unleased parcel created by the subdivision be increased in size by moving the lot line northeast into parcel 04318044 (305 N. Willow St.). City Administration recommends approving the lease with that stipulation for the subdivision and also requiring that right-of-way for North Willow Street be dedicated along the entire boundary of the parcels created by the subdivision.

The first attached map shows the portion of the lot depicted that Alaska Air Fuel has requested to lease. The lot is 400 feet in width (frontage along Willow Street) x 392 feet in depth (distance of lot back from Willow Street to Airport taxiway). Alaska Air Fuel has requested to lease an area 280 feet x 392 feet (corrected to 392 feet from the 380 feet in depth shown on their submitted site plan). If the lot is subdivided and the requested area is leased, it would leave a parcel approximately 120 feet in width by 392 feet in depth. This area is adjacent to a large 330-acre parcel owned by the City. The second map shows a smaller scale map in order to depict adjacent parcels of the requested lot for additional information.

The third map shows a proposed draft layout for the subdivision, with the expectation that Alaska Air Fuel would lease Lot 5A. Kenai Municipal Code 21.10.040(c) states, "If the Council determines that other airport purposes are served by the subdivision, the City Council may choose in its sole discretion that the City will share in the subdivision costs with the applicant in whatever amount the City Council determines is reasonable given the benefit to the airport". Given that the subdivision serves also airport purposes by designating additional right-of-way for the existing North Willow Street and breaks a large City parcel into tracts in addition to creating the lot space requested by the applicant, City Administration recommends the applicant and the City split the cost of the subdivision.

Resolution No. 2020-72 would grant the approval of the Kenai City Council for the City Manager to enter into a Standard Lease of Airport Reserve Lands between the City of Kenai and Alaska Air Fuel, Inc. for a portion of Lot 5, FBO Subdivision No. 8.

Thank you for your consideration.

Attachments:

- Application
- Preliminary Site Plan
- Maps (Small-Scale and Large-Scale)





City of Kenai Land Lease Application

Application for:	<input checked="" type="checkbox"/> New Lease <input type="checkbox"/> Amendment <input type="checkbox"/> Assignment <input type="checkbox"/> Extension <input type="checkbox"/> Renewal
Application Date:	4/8/2020

Applicant Information

Name of Applicant:	Alaska Air Fuel, Inc.						
Mailing Address:	3700 West Aviation Ave.	City:	Wasilla	State:	Ak	Zip Code:	99654
Phone Number(s):	Home Phone: 907-317-5169		Work/ Message Phone: 907-317-5169				
E-mail: (Optional)	alaskaairfuel@hotmail.com						
Name to Appear on Lease:	Alaska Air Fuel, Inc.						
Mailing Address:	3700 West Aviation Ave.	City:	Kenai	State:	Ak	Zip Code:	99654
Phone Number(s):	Home Phone: 907-317-5169		Work/ Message Phone: 907-317-5169				
E-mail: (Optional)	alaskaairfuel@hotmail.com						
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):
 525 N. Willow St.
 Lot 5, FBO Subd. No. 8 full depth X 240ft of apron and road frontage

Does the property require subdivision? (if Yes, answer next two 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. Are you prepared to be responsible for all costs associated with subdivision? YES NO

If an appraisal is required to determine the minimum price on the land, are you prepared to be responsible for the deposit to cover costs associated with appraisal? (The cost of the appraisal will be either refunded or credited toward the purchaser at closing) YES

Are you prepared to be responsible for recording costs associated with lease execution? YES

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:
15000 square foot tie down at the base of the tower

Request a Lease with an Option to Purchase once development requirements are met? *Does not apply to Airport Reserve properties YES NO

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

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

Requested Starting Date: 1 June 2020

RECEIVED

CITY OF KENAI

DATE *4/8/2020*

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? FBO with Hanger, ~~crew quarters~~, office, ~~coffee shop~~

3. What is the estimated value of the improvement? 3 million assessed value

4. What is the nature and type of improvement?
Site development, Tarmac, Aircraft Hanger with office & ~~crew quarters & coffee shop/restaurant~~

5. What are the dates construction is estimated to commence and be completed?
(generally, construction must be completed within two years)
Estimated Start Date: August 31st, 2020 Estimated Completion Date: August 31st, 2022

Describe the proposed business or activity intended:
FBO and DC-4 air fueling operation with separate 125 freight operation and 135 certified passenger service

How does the proposed lease support a thriving business, residential, recreational, or cultural community?
By awarding Alaska Air Fuel this lease, the city of Kenai will effectively create multiple longterm, high paying jobs, as well as bring in additional tax revenue for the city.

Lease Assignment Only: What is the name of the individual or legal entity the lease is to be assigned?
Alaska Air Fuel, inc

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:	4/8/2020
Print Name:	John Sliwinski	Title:	VP/Owner

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

**Lease Application
Parcel 04336043
525 North Willow St.
Lot 5, FBO Subd. No. 8**

1 parking space
per 1,000 ft²
of hangar
would be
required
per KNC
14,20,250
(b)(8)



LEGEND

Parcel 04336043

0 25 50 Feet

= fences

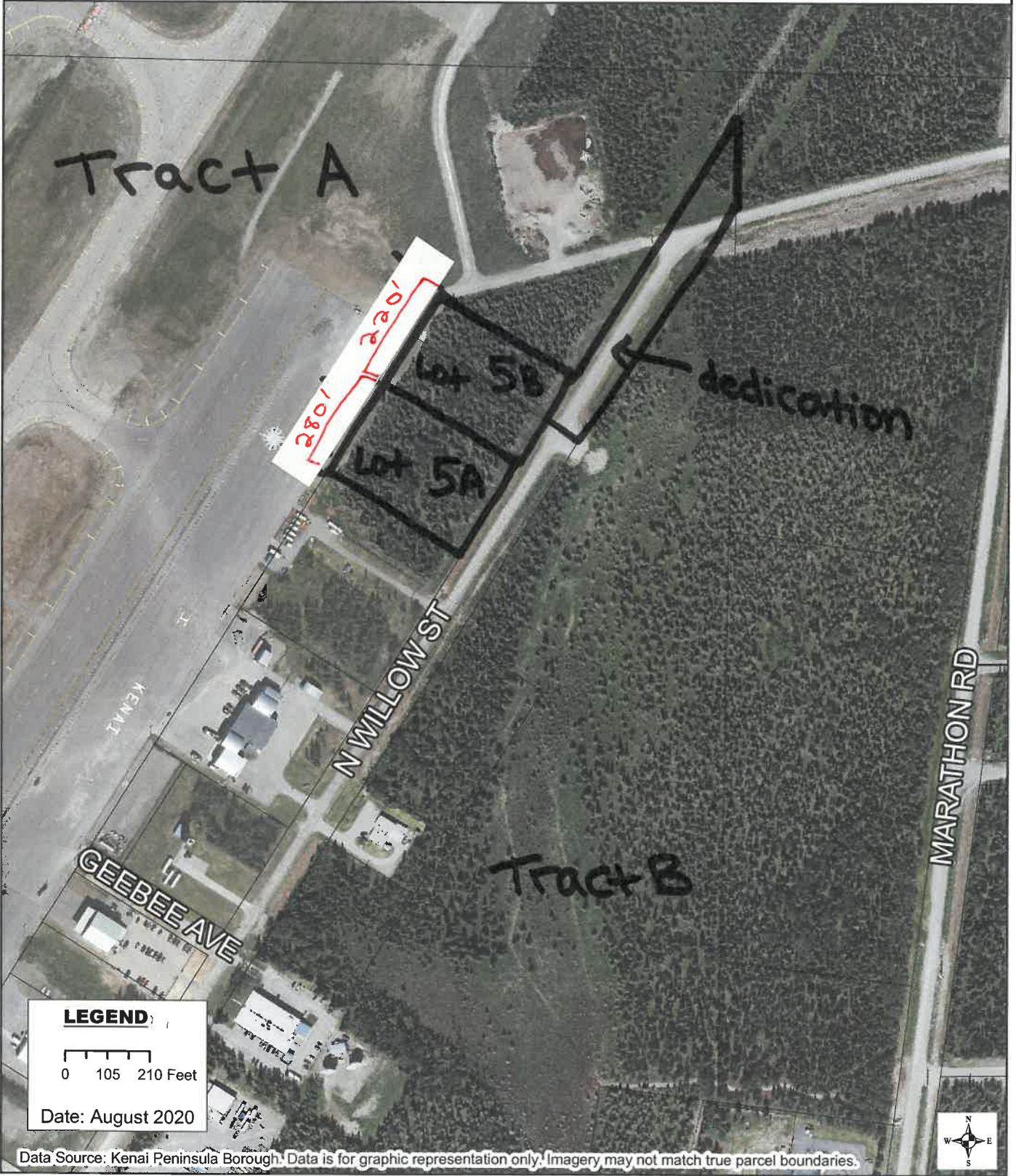
Date: May 2020

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





Attachment A: Proposed Subdivision





**Lease Application from Alaska Air Fuel
for a Portion of Parcel 04336043
525 North Willow St.
Lot 5, FBO Subd. No. 8**



Portion of Parcel
Requested in
Lease Application

N WILLOW ST

LEGEND

Parcel 04336043

0 40 80 Feet

Date: August 2020

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





**Surrounding Parcels for
Lease Application from Alaska Air Fuel
for a Portion of Parcel 04336043
525 North Willow St.
Lot 5, FBO Subd. No. 8**



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



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020-74

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AMENDING THE AGREEMENT FOR EMERGENCY SERVICES TRAINING AND CLINICAL EXPERIENCES WITH THE UNIVERSITY OF ALASKA TO ACCOMMODATE OVERNIGHT STAYS AND UPDATE INSURANCE REQUIREMENTS.

WHEREAS, the Kenai Fire Department has a long cooperative history with the University of Alaska Kenai Peninsula Campus providing emergency service training and supervised clinical experiences for students; and,

WHEREAS, this arrangement is mutually beneficial to the City and University as the University receives training for its students, and the City supports instate training and certification of firefighters and paramedics; and,

WHEREAS, the City and University last signed an agreement in 2019 effective for 5 years; and,

WHEREAS, because of the COVID-19 public health emergency, students are restricted from traveling out of state to gain necessary practical experience as they have in the past and the Kenai Fire Department can expand its assistance to the University by allowing students to sleep at the station during shift and providing other opportunities; and,

WHEREAS, it is in the best interest of the City to amend its Agreement with the University to provide for these expanded student opportunities and likewise update insurance requirements recommended by the City's insurance consultant to accommodate these changes.

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

Section 1. That the City Manager or designee is authorized to sign an amendment to the City's 2019 Agreement with the University as attached hereto.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Scott Bloom, City Manager

DATE: August 27, 2020

SUBJECT: **Resolution 2020 – 74 - Agreement for Emergency Services and Clinical Experiences with the University of Alaska**

The Kenai Fire Department has worked cooperatively with the University to provide its students with opportunities for emergency service training and supervised clinical experiences. Paramedic students will often leave Alaska to train with busier jurisdictions in order to gain the necessary experience for certification. Because of the COVID-19 public health emergency, these out of state opportunities have been restricted. The Fire Department can provide greater opportunities for local students to fill this gap as best as possible. This Resolution requests Council's support in amending the current agreement with the University to provide for students to stay overnight and changes the insurance requirements to accommodate the potential increased risk at the recommendation of the City's insurance consultant. The plan is for the Fire Department to train 9 students in the near future in groups of 3. Attached to this is a copy of the current Agreement showing the proposed changes in track changes.

Your consideration is appreciated.

UNIVERSITY OF ALASKA - Anchorage
KENAI PENINSULA COLLEGE (KPC)
MATANUSKA-SUSITNA COLLEGE (MSC)

AGREEMENT for Emergency Services Training and Clinical Experiences

This agreement is made between the **University of Alaska Anchorage " Kenai Peninsula College & Matanuska-Susitna College**, (hereinafter "KPC/MS") and the **City of Kenai** on behalf of the **Kenai Fire Department**, (hereinafter "KFD") for emergency services training and supervised clinical experiences.

PURPOSE: Both KPC and MSC teach Paramedic, EMT, and other Emergency Services courses (hereinafter referred to as the 'program') to help fulfill the need for paramedics and other first responders within the State of Alaska. The **City of Kenai** further recognizes the need for paramedic and other emergency responders on the Kenai Peninsula.

The UAA (KPC/MS) Paramedic Program and the City of Kenai agree to collaborate for paramedic and other emergency services students to have on-site training experiences in conjunction with the **Kenai Fire Department**.

A. KPC/MS RESPONSIBILITIES:

1. KPC/MS will conduct its program in conformity with all applicable state and federal laws and regulations.
2. KPC/MS will provide a qualified course instructor to conduct all student assessments and evaluations and all administrative details needed for the course.
3. KPC/MS will require participating students to abide by the rules of dress and conduct and other reasonable regulations of the City of Kenai, and to exercise the highest degree of care when using the City's supplies and equipment.
4. KPC/MS will provide the Kenai Fire Department with the number of hours each student will be enrolled and a general description of each student's course objectives, as needed for the on-site or ride-along training and accreditation process.
5. KPC/MS shall maintain, in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate, professional and general liability insurance for its employees and students. KPC/MS shall arrange a separate professional liability policy with the same or higher limits for students that are placed with the City of Kenai under this Agreement naming the City of Kenai as an additional insured, if possible. KPC/MS shall provide City of Kenai with a certificate of insurance evidencing the coverage required by this Agreement or a letter verifying self-insurance for general liability. KPC/MS agrees to provide a letter to the City

[agreeing to defend and indemnify the City for the acts and omissions of its students while participating in the Emergency Service Training and Clinical Experiences Covered by this Agreement.](#) Students are responsible for their own health insurance coverage for the duration of their assignment at the City of Kenai.

6. KPC/MSC will require a criminal background check pursuant to applicable "Child and Adult Abuse Laws." The student will be required to provide KPC/MSC with a copy of the criminal background check results prior to placement. The placement of each student at the City of Kenai is contingent upon provision of the criminal background check results. (The results will be stored at KPC/MSC but are available to City of Kenai upon request.)
7. KPC/MSC and participating students shall be required to follow applicable procedures as written and distributed to KPC/MSC by the City of Kenai, and/or the Kenai Fire Department.
8. KPC/MSC shall be responsible for the actions or inactions of its employees during the course of the program. Any City of Kenai employees or volunteers who perform services as employees of KPC/MSC as a part of this program shall be considered solely as KPC/MSC employees and not City of Kenai employees or volunteers during training courses and while performing such services.
9. Upon reasonable and proper notice, KPC/MSC will allow the City of Kenai to examine the course materials and student assessments in conjunction with any legitimate accreditation needs.

B. CITY OF KENAI (KENAI FIRE DEPARTMENT) RESPONSIBILITIES:

1. As space, time, and business needs allow, City of Kenai will accept KPC/MSC students at the fire departments, and department training grounds for training of practical skills. The student(s) will report to the ~~the~~ City's location as assigned.
2. The City of Kenai will allow paramedic students to function under the direct supervision of a licensed paramedic as allowed by the program under the authority of 12 MC 40.370(b)(3).
3. The City of Kenai will allow other emergency services (firefighter students, ETT and EMT students) to observe and/or assist full-time personnel as approved by the Fire Chief of the Kenai Fire Department.
4. The City of Kenai will allow for either 12- or 24-hour ride-along [and or overnight stay](#) opportunities for students who have met the program's eligibility requirements and signed the waiver and release from liability.
5. The City of Kenai will allow the KPC/MSC instructors a period of orientation in its facilities prior to the placement of students.

6. The City of Kenai will permit participating students reasonable use of the dressing and sleeping areas, restrooms, and dining areas of its facilities.
7. Students are not considered employees of the City of Kenai while attending KPC or MSC classes, or when training with the City of Kenai pursuant to this agreement, and the City of Kenai agrees:
 - a. To not promise prior to the completion of the work-based learning experience to provide any student a job.
 - b. To not pay wages or other compensation for work done during the work-based learning experience.
 - c. To not displace any employee as a result of the placement of a student at the worksite during the training.
 - d. To maintain adequate staffing so that students are not expected to meet City of Kenai service demands.
 - ~~e. City of Kenai will not provide workers compensation insurance for students.~~

8. Family Educational Rights and Privacy Act. Personally identifiable information from students' education records shall be disclosed only in accordance with the Family Educational Rights and Privacy Act (FERPA). The Borough and its officers, employees and agents may use information disclosed from education records only for the purposes for which the disclosure was made. The Borough shall not disclose information from education records to any other party without first having received written consent of the student, or from the student's parent if the student is less than 18 years of age, and after obtaining assurances that the other party will fully comply with the provisions of the Family Educational Rights and Privacy Act and that no further disclosure by such party shall occur or be permitted.

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C. GENERAL PROVISIONS

1. There will be no monetary reimbursement from either party to the other for the mutual benefits received under this agreement, nor will any student be reimbursed for services performed incidental to this agreement.
3. This agreement shall become **effective on July 1, 2019** and shall remain in effect for a period of three (5) years, **expiring on June 30, 2024**.
4. This agreement may be terminated by either party by providing written notice to the other party at least 30 days prior to the date of proposed termination.

5. Participating students must sign a City of Kenai release and liability waiver prior to training with the City of Kenai under this agreement.

D. SIGNATURES

The parties, by and through their duly authorized representatives, indicate their willingness to be bound by the forgoing provisions by affixing their respective signatures below:

Kenai Fire Department
105 S. Willow Street
Kenai, AK 99611
(907) 283-7666

tprior@kenai.city

City of Kenai
210 Fildago Ave
Kenai, AK 99611
(907) 283-7535

postrander@kenai.city

Tony Prior
Fire Chief, Kenai Fire Department

Paul Ostrander
City Manager, City of Kenai

Matanuska-Susitna College
PO Box 2889, Mile 2 Trunk Road
Palmer, AK 99669
(907) 262-4441

tjcolbern@matsu.alaska.edu

Kenai Peninsula College
156 College Road
Soldotna, AK 99669
(907) 262-0300

gjturner@kpc.alaska.edu

Talis J. Colberg, MSC College Director

Gary J. Turner, KPC College Director

Date

Date

FIRST AMENDMENT TO UNIVERSITY OF ALASKA - Anchorage
KENAI PENINSULA COLLEGE (KPC)
MATANUSKA-SUSITNA COLLEGE (MSC)

AGREEMENT for Emergency Services Training and Clinical Experiences

This AMENDMENT to this agreement is made between the **University of Alaska Anchorage "Kenai Peninsula College & Matanuska-Susitna College**, (hereinafter "KPC/MSC") and the **City of Kenai** on behalf of the **Kenai Fire Department**, (hereinafter "KFD") for emergency services training and supervised clinical experiences.

- Sub-Section A. (5) is amended to read:
 5. KPC/MSC shall maintain, in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate, professional and general liability insurance for its employees and students. KPC/MSC shall arrange a separate professional liability policy with the same or higher limits for students that are placed with the City of Kenai under this Agreement naming the City of Kenai as an additional insured, if possible. KPC/MSC shall provide City of Kenai with a certificate of insurance evidencing the coverage required by this Agreement or a letter verifying self-insurance for general liability. KPC/MSC agrees to provide a letter to the City agreeing to defend and indemnify the City for the acts and omissions of its students while participating in the Emergency Service Training and Clinical Experiences Covered by this Agreement. Students are responsible for their own health insurance coverage for the duration of their assignment at the City of Kenai.

- Sub-Section B(4) is amended to read:
 4. The City of Kenai will allow for either 12 or 24 hour ride-along and or overnight stay opportunities for students who have met the program's eligibility requirements and signed the waiver and release from liability.

- Sub-Section B(6) is amended to read:
 6. The City of Kenai will permit participating students reasonable use of the dressing and sleeping areas, restrooms, and dining areas of its facilities.

- Sub-Section 7(e) is deleted in its entirety:

- Except as expressly modified or stated herein, all other terms and conditions of the Agreement remain in full force and effect.

Kenai Fire Department
105 S. Willow Street
Kenai, AK 99611
(907) 283-7666

tprior@kenai.city

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Soldotna, AK 99669
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gjturner@kpc.alaska.edu

Talis J. Colberg, MSC College Director

Gary J. Turner, KPC College Director

Date

Date



Sponsored by: Mayor Gabriel

CITY OF KENAI

RESOLUTION NO. 2020-75

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ADOPTING JOINT RESOLUTION NO. 2020-001 OF THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH AND COUNCILS OF THE CITY OF KENAI AND CITY OF SOLDOTNA ENCOURAGING ALL RESIDENTS TO TAKE THE NECESSARY PRECAUTIONS AND FOLLOW THE RECOMMENDED PREVENTATIVE MEASURES OF THE CDC TO REDUCE THE SPREAD OF COVID-19 IN OUR COMMUNITY DURING THE PUBLIC HEALTH EMERGENCY.

WHEREAS, the novel Coronavirus, known as COVID-19 can result in serious illness or death and has shown to be easily transmittable from person to person; and,

WHEREAS, reducing the high risk of serious illness from COVID-19 is especially critical to older adults and individuals who have pre-existing medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 as a pandemic on March 11, 2020; and,

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020 and other positive diagnoses have since occurred; and,

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020, the President of the United States issued a Proclamation Declaring a National Emergency on March 13, 2020, and the City declared a local disaster emergency on March 18, 2020; and,

WHEREAS, Governor Mike Dunleavy has issued several mandates to prevent the rapid transmission of COVID-19; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends certain preventative measures to reduce the spread of COVID-19; and

WHEREAS, Governor Mike Dunleavy has yielded management and mitigation responsibilities of the COVID-19 public health emergency to the local level; and

WHEREAS, maintaining uniformity among the central peninsula communities is a preferred approach to management and mitigation of the COVID-19 public health emergency; and

WHEREAS, the Assembly of the Kenai Peninsula Borough adopted Joint Resolution 2019-001 at their _____ Assembly Meeting and the Council of the City of Soldotna will be considering Joint Resolution 2019-001 at their September 9, 2020 Council Meeting.

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

- Section 1.** That the Kenai City Council adopts Joint Resolution 2020-001.
- Section 2.** That the Mayor of the City of Kenai is hereby authorized to sign Joint Resolution 2020-001, encouraging all residents to take the necessary precautions and follow the recommended preventative measures of the CDC to reduce the spread of COVID-19 in our community during the public health emergency.
- Section 3.** That this resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

**KENAI PENINSULA BOROUGH
CITY OF KENAI
CITY OF SOLDOTNA**

JOINT RESOLUTION NO. 2020-001

**A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH AND COUNCILS OF THE CITY OF KENAI AND CITY OF SOLDOTNA,
ENCOURAGING ALL RESIDENTS TO TAKE THE NECESSARY PRECAUTIONS AND
FOLLOW THE RECOMMENDED PREVENTATIVE MEASURES OF THE CDC TO REDUCE
THE SPREAD OF COVID-19 IN OUR COMMUNITY DURING
THE PUBLIC HEALTH EMERGENCY**

- WHEREAS,** the coronavirus disease 2019 (COVID-19) Pandemic was declared an emergency by the Kenai Peninsula Borough, the City of Kenai and the City of Soldotna; and
- WHEREAS,** Governor Dunleavy and Department of Health and Social Services Commissioner Adam Crum have issued health mandates to prevent the spread of the disease; and
- WHEREAS,** COVID-19 poses a significant risk to the health of the community and our local health care system; and
- WHEREAS,** Governor Dunleavy has yielded management and mitigation responsibilities of the COVID-19 public health emergency to the local government level; and
- WHEREAS,** maintaining uniformity among the central peninsula communities is a preferred approach to management and mitigation of the COVID-19 public health emergency; and
- WHEREAS,** preventative measures are the best defense against the spread of the virus; and
- WHEREAS,** residents of our collective communities are strongly encouraged to practice the mitigation measures listed below which have been recommended by the Centers for Disease Control and Prevention (CDC) and have shown to reduce the spread of coronavirus:
- Cover your mouth and nose with a mask when in public settings and in areas where social distancing is not possible (masks should not be placed on young children under age two, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance)
 - Avoid close physical contact and stay at least six feet from other people
 - Wash your hands often
 - Clean and disinfect frequently touched surfaces
 - Avoid touching your eyes, nose, and mouth with unwashed hands
 - Avoid going out in public or going to work if you feel ill; and
- WHEREAS,** the economy and wellbeing of our community rests in the hands of individuals who choose to practice good hygiene and are courteous to each other; and
- WHEREAS,** we all have a responsibility to ourselves and each other to keep our community strong and healthy;

NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ASSEMBLY AND THE COUNCILS OF THE CITY OF KENAI AND CITY OF SOLDOTNA:

- SECTION 1.** Wearing a cloth face covering or mask in public, physical and social distancing, washing your hands, disinfecting frequently touched surfaces, not touching your face and staying home if you feel ill are actions that will reduce negative impacts to our local economy during the public health emergency and the Kenai Peninsula Borough Assembly and the

Councils of the City of Kenai and City of Soldotna strongly encourage all residents to practice these recommended measures to prevent the spread of disease in our communities.

SECTION 2. That this resolution takes effect immediately upon adoption of the Kenai Peninsula Borough Assembly and the City Councils of the City of Kenai and City of Soldotna.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 2020.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS _____ DAY OF _____, 2020.

Brian Gabriel Sr., Mayor

ATTEST:

Jamie Heinz, CMC, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS _____ DAY OF _____, 2020.

Pete Sprague, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

**KENAI CITY COUNCIL – REGULAR MEETING
AUGUST 19, 2020 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on August 19, 2020, 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 (absent)	

A quorum was present.

Also in attendance were:

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

3. Agenda Approval

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

- | | |
|-------------------|---|
| Add to item D.1. | Ordinance No. 3127-2020 <ul style="list-style-type: none"> • Memo Regarding Postponement |
| Add to item G.11. | Response to Governor Dunleavy’s Local Mitigation Level Recommendations <ul style="list-style-type: none"> • Ketchikan Gateway Borough Mitigation Plan and Dashboard |

MOTION:

Vice Mayor Molloy **MOVED** to approve the agenda with the requested additions to the packet and requested **UNANIMOUS CONSENT**. Council Member Glendening **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 council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS – None.

C. UNSCHEDULED PUBLIC COMMENTS – None.

D. PUBLIC HEARINGS

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note: At the July 1 Meeting, this item was Postponed to the 08/19/20 Council Meeting; a motion to enact is on the floor.**]

- **Substitute Ordinance No. 3127-2020**

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3127-2020 by substitute ordinance and Council Member Navarre **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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

MOTION TO POSTPONE:

Council Member Knackstedt **MOVED** to postpone Ordinance No. 3127-2020 to the October 21 meeting and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

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

2. **Ordinance No. 3150-2020** - Waiving Kenai Municipal Code 21.10.130 - Lease Execution, and Approving a Lease Execution Extension to May 31, 2021 to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3150-2020 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 application as described in the memo was provided. Clarification was provided that the need for the flights by Guardian had decreased due to COVID-19 but that they were expected to increase again; further clarified that construction was dependent on a tenant.

MOTION TO AMEND:

Council Member Knackstedt **MOVED** to amend the final Whereas clause to correctly reflect the date of August 13 when the Airport Commission recommended approval and requested **UNANIMOUS CONSENT**. Vice Mayor Molloy **SECONDED** the motion.

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

VOTE ON THE MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3151-2020** - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3151-2020 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 this was intended to be the last change order for this project; boiler was included in the project.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

4. **Ordinance No. 3152-2020** - Accepting and Appropriating a Project Ready Mini Grant from the Alaska State Library for Implementing the Know Your Neighbor: Kindness Kits Project at the Kenai Community Library. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3152-2020 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.

An overview of the contents of the kits was provided.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

5. **Ordinance No. 3153-2020** - Appropriating Excess Funds Received from the Issuance of General Obligation Refunding Bonds. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3153-2020 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.

An overview of the refunding bonds, as provided in the memo in the packet, was provided.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

6. **Ordinance No. 3154-2020** - Accepting and Appropriating a Grant from the National Marine Fisheries Service Passed Through the Pacific States Marine Fisheries Commission, Accepting and Appropriating Additional Insurance Proceeds, and Awarding a Contract for Repair to the Kenai City Dock for Damage Caused by Earthquakes in 2016 and 2018 and Installation of a Cathodic Protection System to Prevent Corrosion. (Administration)

MOTION:

Council Member Glendening **MOVED** to enact Ordinance No. 3154-2020 and Council Member Peterkin **SECONDED** the motion.

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

Gratitude was expressed to Administration that no additional funds were needed and that the dock was up and running.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

7. **Resolution No. 2020-68** - Declaring the Ten-Foot Utility Easement Adjoining the Southern Boundary of Lot 4, Eventyr Subdivision (Plat KN 83-149) and the Ten-Foot Utility Easement Excluding the West Ten Feet Adjoining the North Boundary of Lot 5 and the Ten-Foot Utility Easement Adjoining the North and East Boundary of Lot 6 Eventyr Subdivision No. 2 (Plat KN 86-75) Granted on Plat KN 83-1149 and Plat KN 86-75 Are Not Needed for a Public Purpose and Consenting to Their Vacation. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-68 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.**

8. **Resolution No. 2020-69** - Authorizing the City Manager to Enter a Design Agreement with the Department of the Army for the Design for the Kenai Bluffs Bank Stabilization Project. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-69 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.

It was noted that this agreement would allow the project design to begin immediately; specified City and Army Corps of Engineers involvement. It was suggested a work session be scheduled to refresh the public and Council on the project.

An overview of the beginning phases of the Pre-Construction, Engineering, and Design Agreement was provided. Clarification was provided that surveying had already been completed.

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

E. MINUTES

- 1. *Regular Meeting of August 5, 2020. (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS

- 1. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) *[Clerk's Note: At the July 1 Meeting, this Item was Postponed to the 08/19/20 Council Meeting; a motion to enact is on the floor.]*

MOTION TO POSTPONE:

Vice Mayor Molloy **MOVED** to postpone Ordinance No. 3128-2020 to the October 21 meeting and Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT.**

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

G. NEW BUSINESS

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

Approved by the consent agenda.

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

Approved by the consent agenda.

- 3. ***Action/Approval** - Non-Objection to the Renewal of Marijuana Licenses for Red Run Cannabis Company, LLC and Red Run Cannabis Cultivators, LLC. (City Clerk) Approved by the consent agenda.

Approved by the consent agenda.

- 4. ***Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration)

Introduced by the consent agenda and public hearing set for September 2, 2020.

- 5. ***Ordinance No. 3156-2020** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital

Project Funds and Awarding a Construction Agreement for Improvements to the Wasting Activated Sludge Pumps at the Waste Water Treatment Plant. (Administration)

Introduced by the consent agenda and public hearing set for September 2, 2020.

- 6. ***Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate Certification. (Vice Mayor Molloy)

Introduced by the consent agenda and public hearing set for September 2, 2020.

- 7. ***Ordinance No. 3158-2020** - Increasing Estimated Revenues and Appropriations in the COVID-19 CARES Act Recovery Fund and Accepting a CARES Act Grant Passed Through the Kenai Peninsula Borough. (Administration)

Introduced by the consent agenda and public hearing set for September 2, 2020.

- 8. ***Ordinance No. 3159-2020** - Accepting and Appropriating a Municipal Arts & Culture Matching Grant from the Rasmuson Foundation in the COVID-19 CARES Act Recovery Fund. (Administration)

Introduced by the consent agenda and public hearing set for September 2, 2020.

- 9. **Action/Approval** - Six-Month Extension Request from SOAR International Ministries, Inc. for Lease Application Expiration for the Undeveloped Portion of Tract A, General Aviation Apron No. 2. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve a six-month extension request from SOAR International Ministries, Inc. and Council Member Navarre **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

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**.

10. Discussion - City Response to COVID-19. (Administration)

The number of cases, case rate, and hospitalizations were provided; also noted there were no changes in the level of facilities open. Brought attention to Ordinance No. 3158-2020 that was introduced at this meeting, noting Administration would have a recommendation at the September 2nd meeting regarding the specifics of fund distribution.

Council and Commission meeting protocols, including cameras in Chambers, providing details of who was in the room during meetings, and sending a reminder to Commission members was discussed.

11. Discussion - City of Kenai Response to Governor Dunleavy's Local Mitigation Level Recommendations and Consideration of Joint Work Session with the City Of Soldotna Council. (City Manager)

An example of a mitigation plan by the Ketchikan Gateway Borough was provided in the laydown materials; cases within the community and providing information to the residents so informed decisions could be made was discussed.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – It was reported that the Council reviewed criteria for a phased reopening and would be approving a phased plan in the future; also heard about a Phone Buddy Program being developed and maintenance being performed; next meeting September 10.
2. Airport Commission – It was reported the Commission recommended approval of the SOAR extension request and Schilling lease execution extension; also recommended approval of a new 45-year lease to Alaska Air Fuel; next meeting September 10.
3. Harbor Commission – It was reported the commission heard an update on the Personal Use Fishery as well as projects associated with the fishery and the dock; next meeting October 12.
4. Parks and Recreation Commission – It was reported the commission ratified the decision to meet in an in-person hybrid manner and discussed changes in the Kenai River Marathon protocols; next meeting September 3.
5. Planning and Zoning Commission – It was reported the Commission reapproved a plat with additional changes, approved a variance, conditional use permit, and development in the THZ zone for Kenaitze, and recommended approval of a new lease for Alaska Air Fuel; next meeting August 26.
6. Beautification Committee – It was reported the committee toured the flowerbeds; next meeting September 8.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attended Representative Knopp's memorial service and Celebration of Life where he delivered a proclamation;
- Attended virtual meetings with leaders from the City of Soldotna and the Kenai Peninsula Borough regarding a local COVID-19 mitigation plan.

J. ADMINISTRATION REPORTS

1. City Manager - City Manager P. Ostrander reported on the following:
 - Noted an update on the former Spurr Motel was provided in the packet;

- Attended meetings regarding passing Kenai Peninsula Borough CARES Act funds through to the cities;
 - The Boys and Girls Club of the Kenai Peninsula is interested in leasing space in the BEACON building;
 - Exploring using CARES Act funds to provide tents to locals schools to manage lunch time for students;
 - Upcoming surplus auction; and
 - City Planner's resignation.
2. City Attorney – No report.
 3. City Clerk – City Clerk J. Heinz reported on the following:
 - Candidates running for election in the local election;
 - Primary Election update.

K. ADDITIONAL PUBLIC COMMENT

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

Everyone wished the City Planner well in her future endeavors.

Council Member Knackstedt wished the other candidates well in their election efforts.

Vice Mayor Molloy expressed appreciation to the candidates running for election and congratulated them.

Council Member Glendening expressed appreciation for the Kenai Historical Society Newsletter, attended the market in Old Town, and appreciated the ability to meet in person.

Council Member Peterkin noted it was good to see everyone.

Council Member Navarre noted he attended Representative Knopp and Greg Bell's memorial services; also reported on the recent Alaska Municipal League Board Meeting.

L. EXECUTIVE SESSION

1. Review and Discussion of the Terms of an Employment Agreement Extension for the City Clerk which, Pursuant to AS 44.62.310(C)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk 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 Discussion of the Terms of an Employment Agreement Extension for the City Clerk which, Pursuant to AS 44.62.310(C)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the

City Clerk 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 and requested that the City Clerk and City Attorney be available as needed. Council Member Knackstedt **SECONDED** the motion.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

Council reconvened in regular session and it was noted for the record that the Council met in executive session to review and discuss the Employment Agreement with the City Clerk and direction would be provided to Human Resources.

M. PENDING ITEMS

N. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:05 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of August 19, 2020.

Jamie Heinz, CMC
City Clerk

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: SEPTEMBER 2, 2020**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	92,318.86
INTEGRITY JANITORIAL	JULY SERVICES	CITY HALL	REPAIR & MAINTENANCE	1,389.00
PRECIOUS JANITORIAL	JULY SERVICES	LIBRARY	REPAIR & MAINTENANCE	2,795.00
PRECIOUS JANITORIAL	JULY SERVICES	POLICE	REPAIR & MAINTENANCE	978.00
REBORN AGAIN JANITORIAL	JULY SERVICES	AIRPORT	REPAIR & MAINTENANCE	4,231.25

INVESTMENTS

VENDOR	DESCRIPTION	MATURITY DATE	AMOUNT	Effect. Int.
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**PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL
COUNCIL MEETING OF: SEPTEMBER 2, 2020**

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
WARNER SHELTER SYSTEMS	TENTS FOR SCHOOLS	FINANCE	MACHINERY & EQUIP.	31,190.92
MUNICIPAL EMERGENCY SERVICES	(TWO) SCOTT BREATHING APPARATUS	AIRPORT	SMALL TOOLS	16,174.48

INCREASE OF EXISTING PURCHASE ORDER

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

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Terry Eubank

DATE: August 27, 2020

SUBJECT: **Purchase order in excess of \$15,000 for purchase of large tents**

The purpose of this memo is to request approval of the purchase order in excess of \$15,000 for the purchase of five 20'x40'x8' tents to be provided to Kenai schools to provide additional social distancing space for students to eat lunch to minimize the number of lunch periods required to safely feed students and reduce the transmission of COVID-19.

The City has received requests from 3 of the 5 schools in Kenai for large outdoor tents to be used this fall as outdoor lunch areas for students and staff to provide COVID-19 social distancing space and minimize the number of lunch periods, sometimes a reduction of lunch periods by 50%, which must be offered to students. The tents will remain the property of the City and can be used in the future to provide emergency shelters and temporary spaces for events. Your support is respectfully requested.



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Tony Prior, Fire Chief
DATE: August 19, 2020
SUBJECT: **Purchase Order for Municipal Emergency Services**

The purpose for this memo is to request approval of the purchase order to Municipal Emergency Services for the purchase of 2 Scott X3 Pro Self-Contained Breathing Apparatus (SCBA's). These 2 SCBA's will be purchased to place in service on Airport Crash Trucks.

The airport station is currently the only station that has the older 4500psi SCBA's which are not compatible with the fleet replacement of 5500psi units at Station 1 as well as other responding agencies. These 2 SCBA's would allow our station 2 personnel to respond with equipment that maintains continuity of operation on scene should those responding firefighters need assistance during an incident.

Total cost of \$16,174.48

Thank you for your consideration.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3162-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 23.50.010 – EMPLOYEE CLASSIFICATION, TO AMEND THE CLASS TITLE AND RANGE FOR THE CITY PLANNER.

WHEREAS, pursuant to KMC 23.20.020, the classification plan shall be revised as changing positions require it, with the recommendation of the City Manager and the approval of the City Council; and,

WHEREAS, such revisions may consist of the addition, abolishment, consolidation, division, or amendment of the existing classes; and,

WHEREAS, the Human Resource Director and the Assistant to the City Manager worked with the City Manager to improve the position description, classification, grading and title for the existing City Planner position to better reflect the current needs of the City in the areas of Planning and Land Management as well as the upcoming recruitment efforts to fulfill the expanded needs; and,

WHEREAS, the updated position description reflects the expanded scope and responsibility of the position, adding department-head level decision-making authority for the City's planning, platting, land management, land sales and leasing functions, and resulting in a role graded appropriately as an exempt-level Director; and,

WHEREAS, this update in the structure, dependent on the final negotiated salary of the Planning Director likely will not require an increase to the adopted FY2021 Budget as it will result in a cost-savings due to approximately two months of vacancy in 2020; and,

WHEREAS, if the cost savings associated with the approximately two-month vacancy are not sufficient to cover the additional cost of the Planning Director, a supplemental appropriation will be provided to the City Council for consideration later in FY2021; and,

WHEREAS, the City Manager recommends updating the organizational structure within the Administration promptly to allow for staffing this open position, now appropriately revised and titled 'Planning Director' with a salary range befitting the experience level of candidates qualified for the revised responsibilities; and,

WHEREAS, this newly updated position most appropriately resides within the City's Department Head Class.

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

Ordinance No. 3162-2020
Page 2 of 2

Section 1. Amendment of Section of the Kenai Municipal Code: That Kenai Municipal Code, Section 23.50.10 is hereby amended as follows:

117 [CITY PLANNER] Planning Director* [16] 18

Section 2. 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 16th day of September, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: September 2, 2020
Enacted: September 16, 2020
Effective: October 16, 2020



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Paul Ostrander, City Manager

DATE: August 26, 2020

SUBJECT: **Ordinance 3162-2020 – Amending the Class Title and Range for the City Planner**

Upon receiving the notice of resignation of the City's fourth planner in six years, Elizabeth Appleby, I worked with Stormy Brown, the City's HR Director, to review the scope and responsibilities listed within our City Planner job description. During our evaluation it became evident that a number of the responsibilities tied to platting and decision-making with respect to Land Management did not accurately represent the role this position should fill within the organization. In addition, the planning duties required expansion to more closely reflect the actual expectations of the position.

Once these changes were incorporated into the job description, the HR Director felt the new description should be reevaluated using the City's Job Evaluation System. Following reevaluation, it was determined that the revised role should be moved from a grade 16 to a Grade 18. Additionally, with the modified job responsibilities, the position should appropriately be a department head and be placed within the Department Head Class.

Due to the vacancy of this role during the reassessment and recruitment periods, a budget revision will likely not be necessary despite the change in grade. If the savings associated with the vacancy are not sufficient to support the personnel costs of the new employee, a supplemental appropriation will be provided to the City Council for consideration later in FY2020.

The City Attorney, the Assistant to the City Manager, and I will be addressing Planning and Land Management needs during this vacancy. As this is not an ideal situation, I have asked HR to post the newly revised and regraded Planning Director job description in advance of this approval to begin sourcing for qualified candidates as soon as possible. Although we will not move forward with extending an offer to any candidate until such a time as the Council approves the changes proposed in this ordinance, the job has been posted to the City's job opportunities webpage (NeoGov) and professional planning organization web pages through September 18th, with the hope that formal approval by the City Council is forthcoming.

Thank you for your consideration.



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Mary Bondurant, Airport Manager

DATE: August 24, 2020

SUBJECT: **Action/Approval – Special Use Permit to Boys & Girls Club**

The Boys & Girls Club of the Kenai Peninsula, a non-profit organization, is requesting temporary use of the second floor of the Alaska Regional Fire Training Facility. Due to COVID-19 there is a shortage of locations available to provide programming and after school activities. Utilization of the second floor of the Alaska Regional Fire Training Facility will increase the capacity for the Boys and Girls Club to provide these services by approximately forty (40) youth for the duration of COVID 19. The facility's second floor has approximately 3,800 square feet of vacant classroom and office space available.

The City has received a Clubhouse Operations Plan and a COVID-19 Clubhouse Mitigation Plan for the Alaska Fire Training Facility location.

City Council approval for a one-dollar-per-year (\$1) Special Use Permit will allow the Boys & Girls Club of the Kenai Peninsula to provide support for the academic needs of the youth in the Kenai area.

Thank you for your consideration.

SPECIAL USE PERMIT – 2020

The CITY OF KENAI (City) grants to Boys and Girls Club of the Kenai Peninsula, an incorporated 501(c)(3) non-profit youth development organization (Permittee), a Special Use Permit to operate an afterschool program in the City's Alaska Regional Fire Training Facility subject to the requirements and the conditions set forth below.

1. **Premises.** Permittee shall have the non-exclusive right to use approximately 3,800 square feet of vacant classroom and office space on the second floor of the Alaska Regional Fire Training Facility.
2. **Term.** The term of this Permit shall be for not more than 1 year as needed commencing on September 3, 2020.
3. **Permit Fees.** Permittee shall pay the following fees for the privileges extended to Permittee under this Permit:

- A. **Permit:** Permittee shall pay a monthly fee of \$1.00 plus applicable sales tax.

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

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

After School Programming. **NOTE:** *This permit does not guarantee the exclusive use of the area City reserves the right to re-assign Permittee, upon reasonable notice, to other areas as airport needs may require.*

This Permit, and any access rights allowed hereunder, are for Permittee's use only and may not be transferred or assigned.

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

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

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

5. Duties of the Permittee. The Permittee will:

1. Oversee Boys & Girls Clubs after school programming
2. Employ adequate personnel for the after-school program in accordance with Permittee policies and procedures.
3. Assist with janitorial needs by leaving all programming areas in acceptable condition and will work with building administrator to meet janitorial needs for any area used by Boys & Girls Clubs programs. In the event janitorial services are required after an event, the expense for these services will be back billed to Permittee.
4. Meet with City administrators to finalize specific expectations and schedules.
5. Set and enforce reasonable expectations for Club member behavior.
6. Keep the premises in a neat and clean condition.
7. Seek specific approval from the City prior to altering the premises in any manner.
8. Work cooperatively with any other tenants in the facility to minimize impact and business disruptions.

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

7. Radio Transmitting Equipment. Permittee shall discontinue the use of any machine or device which interferes with any government-operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

8. Insurance. Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee’s insurance policy contains higher limits, City is entitled to coverage to the extent of the higher limits.

A. Commercial General Liability insurance, including premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.

B. Worker’s compensation insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide worker’s compensation insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.

C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses on the Airport. The policy must name the City as an additional insured.

D. All insurance required must meet the following additional requirements:

- i. All policies will be by a company/corporation currently rated “A-” or better by A.M. Best.
- ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
- iii. Permittee shall request a waiver of subrogation against City from Permittee’s insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
- iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

9. Assumption of Risk. Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the premises. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on and access to the premises and its exercise of the privileges granted in this Permit.

10. Indemnity, Defend, and Hold Harmless Agreement. Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City's staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "Liabilities"), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee's activities on or use of the Premises, Permittee's access to the premises, and/or Permittee's exercise of the privileges granted in this Permit. This shall be a continuing obligation and shall remain in effect after termination of this Permit.

11. Hazardous Substances and Materials. Permittee shall conform and be subject to the requirements of 14 CFR § 139.321 regarding the handling and storage of hazardous substances and materials.

12. No Discrimination. Permittee shall not discriminate against any person because of the person's race, creed, color national origin, sex, age, or handicap. Permittee recognizes the right of City to take any action necessary to enforce this requirement of the Permit. Permittee will furnish services provided under this Permit on a reasonable, and not unjustly discriminatory, basis to all users of the Airport and shall charge reasonable, and not unjustly discriminatory, prices for each product or service provided at the Airport.

13. Licenses and Permits. Permittee shall obtain and maintain all required federal, state, and local licenses, certificates, and other documents required for its operations under the Permit. Permittee shall provide proof of compliance to City upon request by the City.

14. Compliance with Law/Grant Assurances. This Permit, and Permittee's activities conducted under this Permit, is subject to all executive orders, policies and operational guidelines and all applicable requirements of federal, state, and City statutes, ordinances, and regulations in effect during the term of this Permit. Further, Permittee shall comply with all applicable requirements imposed on the Airport by federal law to ensure that the Airport's eligibility for federal money or for participation in federal aviation programs is not jeopardized. This Permit is subordinate to the City's grant assurances and federal obligations.

15. No Exclusivity. The privileges granted under this Permit are not exclusive to Permittee. City has the right to grant to others any right or privilege on the premises.

16. Assignment. The privileges granted under this Permit are personal to Permittee and may not be assigned by Permittee.

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2020, the foregoing instrument was acknowledged before me by Paul Ostrander, City Manager, of the City of Kenai, an Alaska municipal corporation, on behalf of the City.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2020, the foregoing instrument was acknowledged before me by Rachel Chaffee, Executive Director of Boys and Girls Club of the Kenai Peninsula, Inc., an Alaska non-profit corporation, on behalf of the corporation.

Notary Public for Alaska
My Commission Expires: _____

ATTEST:

Jamie Heinz, City Clerk

SEAL:

APPROVED AS TO FORM:

Scott M. Bloom, City Attorney

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 12, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Commission Chair Twait called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

Commissioners absent:

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

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

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

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

5. *Excused absences – None.

B. APPROVAL OF MINUTES

1. *July 22, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

[Clerk’s Note: Commissioner McIntyre joined the meeting at 7:03 PM]

- 1. **Resolution PZ2020-25** – Reapproving the Preliminary Subdivision Plat of Beaver Loop Acres Addition No. 2, with additional changes, submitted by Segesser Surveys, 30485 Rosland Street, Soldotna AK 99669, on behalf of Beaver Loop Sand and Gravel, LLC, P.O. Box 1290, and the Estate of Patrick Doyle and Mary Doyle, 2243 Beaver Loop Rd., Kenai, AK 99611

The City Planner reviewed the staff report provided in the packet and noted the plat was approved by the Commission previously; however, eight conditions of approval were since incorporated and City Administration requested it be sent back to the Planning and Zoning Commission for review. The City Planner noted the changes to the amended plat as detailed in the staff report.

Approval was recommended of the preliminary plat of Beaver Loop Acres Addition No. 2, subject to the following condition:

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

MOTION:

Commissioner Halstead **MOVED** to recommend approval of Resolution No. PZ2020-25 with staff recommendations and Commissioner Fikes **SECONDED** the motion.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

- 1. **Resolution PZ2020-22** - Application for a Variance Permit for a building in excess of 5,000 square feet per story to be located on the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611

The City Planner reviewed the staff report provided in the packet and noted Kenaitze would like to add to the Tyotkas Elder Center, noting that this building was located within the Townsite Historic District. The City Planner clarified the addition would increase the square footage of the building and this Variance Permit application only addressed the square footage.

It was City staff recommendation that the Commission approve the variance permit application subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- Prior to commencement of construction of the addition to the Elder Center, the owner shall be require to obtain a Building Permit.
- Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.

MOTION:

Commissioner Askin **MOVED** to recommend approval of Resolution No. PZ2020-22 with staff recommendations and Commissioner McIntyre **SECONDED** the motion.

Chair Twait opened the floor for public testimony.

Don Ohler, Construction Director for Kenaitze Indian clarified approval of this would serve many elders here, currently 326 qualified elders, and to date this year served over 19,620 meals, adding that since COVID-19, they went from preparing 60 meals to 269 meals per day. Mr. Ohler added that the program offers several services including advocacy services, outreach program for elders in need of anything outside of the tribal council, meals delivered, transportation, and caregiver support home activities.

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

It was clarified that increase parking spaces would be covered by an existing agreement with the City of an offsite parking area.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

Commission Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Resolution PZ2020-23** - Application for Review of Development in the Townsite Historical Zone for the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O.

Box 988, Kenai, AK 99611

The City Planner reviewed the staff report and development criteria's, clarifying this was the review of development to ensure the property met the intent of the Townsite Historical District (TSH) zone.

The Planning and Zoning Staff recommended approval of the proposed addition, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- Prior to commencement of construction of the addition to the Elder Center, the owner shall be required to obtain all appropriate Building Permits.
- Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.

MOTION:

Commissioner Askin **MOVED** to recommend approval of Resolution No. PZ2020-23 with staff recommendations and Commissioner Fikes **SECONDED** the motion.

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

VOTE:

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

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2020-24** - Application for an Amendment to Conditional Use Permit PZ15-04 to remove the reference to square footage of the existing building for the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611

The City Planner reviewed the staff report and called attention to the Resolution No. PZ15-04 as provided in the packet as specifically granting the conditional use and determined it more appropriate to amend the conditional use permit. She clarified that use was not changing it was just a modification of the existing building.

Approval of the amendment to the Conditional Use Permit was recommended, subject to the conditions outlined in Resolution No. PZ2020-24.

MOTION:

Commissioner Fikes **MOVED** to recommend approval of Resolution No. PZ2020-24 with staff recommendations and Commissioner Springer **SECONDED** the motion.

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

comment was closed.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

- 3. **Action/Approval** – Recommendation to City Council for an Application for a Forty-Five (45) year Lease of City-owned Land Within the Airport Reserve described as Lot 5, FBO Subdivision No. 8 located at 525 N. Willow Street. The application was submitted by Alaska Air Fuel, Inc., 3700 W. Aviation Ave., Wasilla, AK 99654.

The City Planner reviewed the staff report as provided in the packet noting the proposed use complied with the 2016 Imagine Kenai 2030 Comprehensive Plan.

It was clarified the recommendation for approval by City Council was only for the hangar and office space as the crew quarters and a coffee shop were removed from the application. She added it was removed because the applicant was unable to show they met FAA requirements that crew quarters were essential to their operations. It was further clarified that an error by staff was made on the aerial imagery provided in the packet; the southern part was what the applicant wanted to lease with the northern part to remain with the City of Kenai.

The City Planner noted this application would also go be before the Airport Commission tomorrow evening. She added that the Special Use Permit was not signed for 2019 or 2020; when it was received it would go before City Council.

There was a consensus of the Commission in support of the lease application but reservation and concern about the subdivision of the parcel and lack of information for it.

VOTE:

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

MOTION PASSED.

I. **PENDING ITEMS** – None.

J. **REPORTS**

- 1. **City Council** – Council Member Knackstedt reported on the actions from the August 5 City Council meeting, specifically noting discussion by resident Bill Dunn and erosion mitigation for the Bluff adjacent to Toyon Way, signage coming for Old Town Kenai, signing of the Preconstruction Engineering Design (PED) agreement for the Bluff Erosion Project expected in September, and an update of the Beaver Loop bike path.
- 2. **Borough Planning** – Commissioner Fikes reported the Borough Planning Commission met on August 10 reviewed and approved 15 plats; reviewed and approved a material

extraction, an already existing parcel used for extraction and was just an extension of the conditional use permit; a conditional use permit for a boat launch in 55 ft. habitat and a well in 55 ft. habitat – both approved. She noted training was being offered this week to the Commissioners on parliamentary procedures and addressing zoom technicalities.

Commissioner Fikes further reported on the changes with the new Borough Ordinance that consolidated the Commissioners from 13 representatives to 11, adding that unincorporated cities would hold their seats and those with city limits would sit out, rotating the seat every two years.

3. **Administration** – City Planner Appleby reported on the following:

- Dipnet annual report was forthcoming;
- She was working on Draft Land Management Plan, hoping it would go in final draft form soon;
- Several lease records were updated to reflect additional terms;
- The Airport Commission was meeting tomorrow, August 13 and she noted potential extension requests by pending lessees that may be brought to the Planning and Zoning Commission brought forth due to COVID-19; and
- She has been assisting with the old town signage coming soon.

K. ADDITIONAL PUBLIC COMMENT

Jim Glendening expressed concern with the Kenai Peninsula Borough rule precluding representation by first class home rule cities, such as Kenai, noting it should have a continual seat and the current Assembly was not properly representing Kenai.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION – August 26, 2020

N. COMMISSION COMMENTS & QUESTIONS – None.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:38 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 26, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Commission Chair Twait called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, R. Springer, J. Halstead, G. Greenberg, T. McIntyre

Commissioners absent:

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson, City Clerk J. Heinz, Council Liaison H. Knackstedt

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

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

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

5. *Excused absences – V. Askin, D. Fikes

B. APPROVAL OF MINUTES

- 1. *August 12, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

- 1. **Resolution PZ2020-27** – Preliminary Subdivision Plat of Inlet Woods Subdivision Lee-Worley Replat, submitted by Segesser Surveys, 30485 Rosland St., Soldotna, AK 99669, on behalf of Jene M. Worley and Michelle L. Grzybowksi, 1545 Windward Dr., Kenai, AK 99611

The City Planner reviewed the staff report provided in the packet noting the Plat vacated a property line creating a larger lot and recommended approval with the following condition:

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

MOTION:

Commissioner Halstead **MOVED** to recommend approval of Resolution No. PZ2020-27 with staff recommendations and Commissioner McIntyre **SECONDED** the motion.

VOTE:

YEA: Springer, Halstead, McIntyre, Twait, Greenberg
NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

- 1. **Resolution PZ2020-21** - Application for a Variance Permit to reduce the setback requirement from 150 feet to 75 feet pursuant to Kenai Municipal Code 14.20.255(c)(4)(K) for the property located at 6576 Kenai Spur Highway, Kenai, AK 99611 and described as Lot 15, Block C, Beaver Creek Alaska Subdivision. The Application was submitted by Acom Consulting on behalf of Vertical Bridge, 5200 SW Meadows Rd., Suite 150, Lake Oswego, OR 97035.

The City Planner reviewed the staff report provided in the packet noting the variance permit was to reduce the setback requirement for the construction of a communications tower and the findings required to permit the setback; also recommended approval of the variance permit application subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local

regulations.

- Prior to commencement of construction of the communication tower, the owner shall be obtain a Building Permit from the Building Inspector.
- Prior to commencement of construction of the communication tower, the owner shall obtain a Communications Tower Permit from the City Planner.

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2020-21 with staff recommendations and Commissioner Greenberg **SECONDED** the motion.

Chair Twait opened the floor for public testimony.

Tami Drew on behalf of the applicant thanked the Planner for her assistance; also noted the project would not be able to move forward without the variance approval.

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

It was noted a tower of this size would bring great opportunities to the area and the location was a great location.

The applicant clarified that it was highly unlikely that the tower would ever fall down noting the planned foundation and the engineering; added that an engineer’s assessment would be provided to the City and insurance was required by the provider in the event of damage caused to neighboring properties.

The applicant also clarified that several jurisdictions preferred co-location so several towers weren’t constructed in a similar location when a provider decides to construct a tower, they contract with a tower company and the tower company seeks other providers to co-locate, and each provider needed ten to twelve feet of tower for their equipment.

VOTE:

YEA: Greenberg, Halstead, Springer, Twait
 NAY: McIntyre

MOTION PASSED.

Commission Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **Borough Planning** – No report; Commissioner Fikes was absent.

2. **City Council** – Council Member Knackstedt reported on the actions from the August 19 City Council meeting.
3. **Administration** – City Planner Appleby reported on the following:
 - Utility easement for the Eventyr Subdivision was approved by the Kenai Peninsula Borough Planning Commission;
 - Submitted her resignation to the City.

K. ADDITIONAL PUBLIC COMMENT

Vice Mayor Molloy thanked the City Planner for her service to the City.

Council Member Knackstedt noted the Planner's thoroughness and expressed appreciation for her service.

Council Member Glendening echoed previous comments; noted he served on several external committees alongside the Planner and thanked for her service.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION – September 9, 2020

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Springer thanked the Planner for her service.

Commissioner Greenberg echoed gratitude for the Planner's service.

Commissioner McIntyre expressed displeasure with cell phone towers; expressed the Planner did an excellent job adding that the Planning Assistant also did a great job.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:50 p.m.

Minutes prepared and submitted by:

Jamie Heinz, CMC
City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Scott Bloom, City Attorney
DATE: August 28, 2020
SUBJECT: Proposed Toyon Way Beach Special Assessment District

Administration was presented with a petition signed by ten residents along Toyon Way asking for assistance in researching formation of a local improvement district to construct a seawall to slow bluff erosion using a proposal from Triangle Recycling as a sample project scope and budgetary estimate and to present a resolution to Council to form the local improvement district. Administration, including the City Manager, City Attorney, and Public Works Director have had several meetings and follow up conversations with residents seeking City assistance to construct as seawall. At the July 22, 2020 City Council meeting, Bill Dunn spoke to Council about the proposed project and Council requested administration provide this report to Council.

Article 7 of the City's Charter and Title 16 of Kenai Municipal Code addresses public improvements and special assessment procedures. One of the first hurdles the proposed project faces is that the City does not have property ownership or other rights at the location of the proposed seawall. Both Charter and Code limit the special assessment process to public improvements, and a public improvement cannot be built on private property without sufficient property interest, whether it be an easement, dedication, or ownership. It is unclear at this time whether sufficient property interests can be obtained to construct the project. One option would be for the City to condemn private property if the Council wanted to go forward and the necessary property interest could not otherwise be secured.

If the City were to fund the project through a special assessment process the project would need to be engineered and competitively bid. The proposal from Triangle Recycling proposes to build a wall using pipe 15 feet out from the bottom of the bluff to secure the toe at \$400 per lineal foot. The wall would be five feet above ground level backfilled with sand. While this proposal may be a viable solution, it is unclear if it is reflective of the scope of a project engineered and constructed with public funds. It is estimated by the City's public works director that the project would likely exceed \$1 million. Such a project would most likely require a bond supported by the voters. The City is working on a separate bluff stabilization project utilizing federal, state and local funds and will likely need to bond this project as well. It is unclear whether there would be public support for two bonds. The City's bluff stabilization project has been determined by Council to be the City's number one capital priority for many years. One other issue with costs related to the proposed project is that an assessment cannot be levied in

excess of 25% of the value of property after giving effect to the benefit accruing from the work. It is unclear given that some of the properties are condominiums if their value would support a high assessment based on a high project cost.

One other factor that should be kept in mind is that a seawall would likely need continual maintenance going forward. If a public wall were to be built the City would either need to be prepared to fund ongoing maintenance costs or form a special taxation district taxing the benefited properties to fund maintenance.

If the City Council were interested in moving forward, I believe the best approach would be to deviate from the normal process described in code and fund an engineering study and cost estimate with or without private assistance. Typically this would not be done until after an application has been received, the proposed district reviewed, a resolution approving a cost estimate approved and a \$1500 application fee submitted. In this case however, until property issues are resolved a district can't really be formed. I don't recommend the City acquire property interests for the project until a better idea of costs and feasibility is known. A project scope will also need to be better determined. Is the goal to stabilize the toe, or protect existing improvements on private property? Just stabilizing the toe may not be enough to protect existing improvements.

If a seawall or other bluff stabilization project is not feasible or supported, the property owners have asked for other help including:


1. Formation of a special assessment district to put in a storm water drainage system to reduce water seeping through the bluff.
2. Increased effort by the City to reduce human impacts accelerating erosion caused by vehicles driving by or on the toe of the bluff and people climbing on the bluff's. This could be accomplished through increased enforcement efforts, an educational campaign and signage, changes to city code to more squarely prohibit such conduct, and/ or the placement of physical barriers.

If Council is interested in moving forward with an engineer's cost estimate/ study for a seawall, Administration will explore a magnitude of cost and bring that back to Council. Administration is additionally seeking direction from Council on other aspects of the Toyon way property owner's requests.



PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: SEPTEMBER 2, 2020

VENDOR	DESCRIPTION	DEPT.	ACCOUNT	AMOUNT
ASPHALT MARKING SERVICES	ROAD TRAFFIC PAINTING	AIRPORT	REPAIR & MAINTENANCE	3,344.90
AMERICAN BUREAU OF CRANE INSP	ANNUAL CRANE INSPECTIONS	SHOP	REPAIR & MAINTENANCE	2,737.60
HOME GALLERY	NEW CARPET APT. # 310	VINTAGE POINTE	REPAIR & MAINTENANCE	2,700.00
MARVIN JOE FREDERICKSON	PROGRAM DIPNET APP	PU FISHERY	PROFESSIONAL SERVICES	2,815.00
PREFERRED PLUMBING	EXPANSION TANK IN BOILER ROOM	VINTAGE POINTE	CONSTRUCTION	3,489.00
WEST COAST PAPER	MEAL TRAYS FOR HOME MEALS	TITLE III	OPERATING SUPPLIES	5,250.00
AXON	CAMERAS	POLICE	SMALL TOOLS	3,859.00
POLAR NORTH CONSTRUCTION	NEW ENTRANCE TO COMPUTER LAB	SENIOR CENTER	CONSTRUCTION	5,590.00
AIRGAS	WELDER	AIRPORT	OPERATING SUPPLIES	3,189.19
DOYLE'S FUEL SERVICE	FUEL DELIVERED TO FLOAT PLANE	AIRPORT	OPERATING SUPPLIES	4,500.00



ROSSIA

RUSSIAN ORTHODOX SACRED SITES IN ALASKA

August 3, 2020

Mayor Brian Gabriel
 City of Kenai
 210 Fidalgo Avenue
 Kenai, AK 99611

Sheri Buretta
 Chair
 Anchorage

Angela Totemoff
 Vice Chair
 Anchorage

Dorothy Gray
 Treasurer
 Kenai

Rebecca Shaffer
 Secretary
 Anchorage

David Gregory
 Unalaska

Vanessa Norman
 Anchorage

Patty Gregory
 Unalaska

Mary Sattler
 Bethel

Jobe Bernier
 Anchorage

Dear Mayor Gabriel,

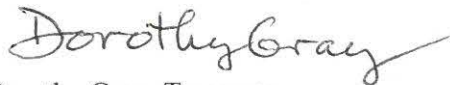
On behalf of ROSSIA, Inc., I would like to sincerely thank you and the entire Kenai City Council for your extremely generous donation of \$50,000.00 on July 22, 2020, dedicated to the Holy Assumption of the Virgin Mary Orthodox Church and National Historic Landmark in Kenai.

Contributions are vital in caring for Kenai’s historic and cultural treasure. ROSSIA truly appreciates your thoughtful support in this effort of historic preservation via CARES Act funding.

This contribution came at a very timely moment when cost overruns are being encountered by the construction engineers and workers as they uncover the 125-year-old roof of the structure. We are also hoping to use the funding to finish the bell tower restoration which was not included in the original scope of work.

As a 501(c) (3) U.S. tax exempt organization, ROSSIA depends on charitable donations such as yours to preserve Alaska’s Russian Orthodox churches and icons.

With sincere thanks for your support of our restoration efforts. Please extend our appreciation to everyone at City Hall who was involved in the grant opportunity.



Dorothy Gray, Treasurer

Cc: Father Peter Tobias, Holy Assumption resident priest

P. O. Box 212315 • Anchorage, AK 99521-2315 • www.rossialaska.org

Russian Orthodox Sacred Sites in Alaska 

ROSSIA Inc. is a 501(c)(3) U.S. tax exempt organization