



## Kenai City Council - Regular Meeting

November 15, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

[www.kenai.city](http://www.kenai.city)

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

### Agenda

#### A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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

#### B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

#### E. PUBLIC HEARINGS

1. **Ordinance No. 3377-2023** - Accepting and Appropriating an Increase in the Title III Grant from the State of Alaska Department of Health and Social Services for Nutrition, Transportation and Support Services and an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)
2. **Ordinance No. 3378-2023** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Area-Wide Senior Thanksgiving Dinner. (Administration)
3. **Ordinance No. 3379-2023** - Accepting and Appropriating a Grant from the U.S. Department of Homeland Security Passed through the State of Alaska Department of Military and Veterans' Affairs for the Purchase of Trauma Care Supplies. (Administration)
4. **Ordinance No. 3380-2023** - Amending Kenai Municipal Code 22.05.095 - Methods of Sale or Disposal, to Provide a Veterans Land Purchase Price Discount for Certain Residential Land Purchases. (Baisden)

#### F. MINUTES

1. \*Regular Meeting of November 1, 2023. (City Clerk)

#### G. UNFINISHED BUSINESS

**H. NEW BUSINESS**

1. **\*Action/Approval** - Bills to be Ratified. (Administration)
2. **\*Action/Approval** - Non-Objection to the Renewal of a Standard Marijuana Cultivation Facility License for Shackelford Investments, LLC, DBA Shackelford Investments, LLC – License No. 31826. (City Clerk)
3. **\*Action/Approval** - Non-Objection to the Issuance of a New Beverage Dispensary Tourism Liquor License to Salamatof Cannery Lodge LLC, DBA Salamatof Cannery Lodge LLC – License No. 6111. (Administration)
4. **\*Action/Approval** - Special Use Permit to American Red Cross of Alaska for General Office Space at the Alaska Regional Fire Training Center. (Administration)
5. **\*Ordinance No. 3381-2023** - Repealing Kenai Municipal Code Appendices - Public Record Inspection Regulations, Repealing Kenai Municipal Code Chapter 10.40 - Release of Public Records and Re-Enacting Kenai Municipal Code 10.40 - Access to Public Records. (Baisden)
6. **\*Ordinance No. 3382-2023** - Amending Kenai Municipal Code Chapter 7.05 Taxation of Real and Personal Property to Provide an Exemption on the First \$100,000 of Assessed Valuation Other Than Motor Vehicles and Watercraft Owned by Each Taxpayer and Making Housekeeping Changes. (Gabriel, Knackstedt, Baisden, Daniel, Askin, Sounart, Douthit)
7. **Action/Approval** - Council Confirmation of Mayoral Nominations to the City's Commissions and Committee. (Mayor Gabriel)
8. **Action/Approval** - Council Confirmation of Mayoral Nominations to the Planning & Zoning Commission. (Mayor Gabriel)
9. **Discussion** - Scheduling a Joint Work Session with Kenaitze Indian Tribe. (Administration)

**I. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

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

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

**L. ADDITIONAL PUBLIC COMMENTS**

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

**M. EXECUTIVE SESSION**

**N. PENDING ITEMS****O. ADJOURNMENT****P. INFORMATION ITEMS**

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89901965085>

**Meeting ID:** 899 0196 5085 **Passcode:** 971156

OR

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

**Meeting ID:** 899 0196 5085 **Passcode:** 971156



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3377-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING AN INCREASE IN THE TITLE III GRANT FROM THE STATE OF ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NUTRITION, TRANSPORTATION AND SUPPORT SERVICES AND AN AMERICAN RESCUE PLAN ACT GRANT PASSED THROUGH THE STATE OF ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR KENAI SENIOR CENTER EXPENDITURES IN SUPPORT OF ITS RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law to provide additional support services to older adults and people with disabilities in the community affected by the COVID-19 Public Health Emergency; and,

WHEREAS, annually the City receives a grant from the State of Alaska Department of Health and Social Services to provide the Senior Citizen Nutrition, Transportation, and Support Services (NTS); and,

WHEREAS, the State of Alaska, Department of Health and Social Services, Division of Senior and Disabilities Services received ARPA funds to provide support for costs incurred due to the increased demand for services from the impacts of the COVID-19 Public Health Emergency on elders and care provider services; and,

WHEREAS, funding in the amount of \$9,971.08 was received from the United States Treasury, American Rescue Plan Act, passed through the State of Alaska Department of Health and Social Services for the Kenai Senior Center's response to the COVID-19 Public Health Emergency; and,

WHEREAS, in addition, the Kenai Senior Center was awarded an additional \$9,241.31 increase to the FY24 NTS grant for services offered beginning July 1, 2023 through June 30, 2024; and,

WHEREAS, acceptance of these funds is in the best interest of the City.

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

**Section 1.** That the City Manager is authorized to accept an increase in the amount of \$19,212.39 to the FY24 NTS grant from the State of Alaska, Department of Health and Social Services, Division of Senior and Disabilities for the Kenai Senior Center.

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

Senior Citizen Fund:

Increase Estimated Revenues	
Federal Grants	<u>\$19,212.39</u>
Increase Appropriations	
Congregate Meals – Operating & Repair Supplies	\$ 9,606.20
Home Meals – Operating & Repair Supplies	<u>9,606.19</u>
	<u>\$19,212.39</u>

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2023.

\_\_\_\_\_  
Brian Gabriel Sr., Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced: November 1, 2023  
Enacted: November 15, 2032  
Effective: November 15, 2023



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Kathy Romain, Senior Center Director

**DATE:** October 23, 2023

**SUBJECT:** **Ordinance 3377-2023 – Senior Citizen Nutrition, Transportation, And Support Services Grant**

The Kenai Senior Center receives a yearly grant from the State of Alaska, under the Title III Nutrition, Transportation, and Services (NTS) Program. We have been given an increase of \$9,241.31 for FY24 for services from July 1, 2023 - June 30, 2024.

In addition, the State of Alaska, Department of Health and Social Services, Division of Senior and Disabilities Services received American Rescue Plan Act (ARPA) funds to provide additional support for costs incurred due to the increased demand for services as a result of the COVID-19 Public Health Emergency. We were recently awarded an additional \$9,971.08 from ARPA funds through the NTS grant for FY24.

These funds will be utilized to provide additional operating supplies for home and congregate meals.

That the estimated revenues and appropriations be increased as follows:

Senior Citizen Fund:

Increase Estimated Revenues –	
Federal Grants	<u>\$19,212.39</u>
 Increase Appropriations	
Congregate Meals Operating Supplies	\$ 9,606.20
Home Meals Operating Supplies	<u>9,606.19</u>
Total	<u>\$19,212.39</u>

Your support for Ordinance 3377-2023 is greatly appreciated.



Sponsored by: Administration

**CITY OF KENAI  
ORDINANCE NO. 3378-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING A DONATION FROM HILCORP ENERGY COMPANY TO ASSIST WITH THE ANNUAL AREA-WIDE SENIOR THANKSGIVING DINNER.

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WHEREAS, annually the Kenai Senior Center hosts a Thanksgiving Dinner that is open to seniors from all over the Central Peninsula; and,

WHEREAS, the City received a donation from Hilcorp Energy Services in the amount of \$3,500 for the purchase of food and supplies for the dinner; and,

WHEREAS, it is in the best interest of the City of Kenai to accept and appropriate this donation for the purposes described above.

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 donation from Hilcorp Energy Company in the amount of \$3,500 and to expend the donated funds to fulfill the purpose and intent of the donation and this ordinance.

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

Senior Citizen Special Revenue Fund:

Increase Estimated Revenues –  
Donations

\$3,500

Increase Appropriations –  
Congregate Meals – Operating Supplies

\$3,500

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2023.

\_\_\_\_\_  
Brian Gabriel Sr., Mayor

ATTEST:

Ordinance No. 3378-2023  
Page 2 of 2

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk

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



Introduced:	November 1, 2023
Enacted:	November 15, 2023
Effective:	November 15, 2023





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Kathy Romain, Senior Center Director  
**DATE:** October 20, 2023  
**SUBJECT:** **Ordinance No. 3378-2023 – Hilcorp Energy Services Donation**

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Hilcorp Energy Services has donated \$3,500 for the annual Areawide Senior Thanksgiving Dinner which will be held on Friday, November 17, 2023. This is the tenth year Hilcorp has provided funding for this event and seniors around our community enjoy coming together for a holiday meal alongside those Hilcorp employees who volunteer their time to serve.

The Areawide Senior Thanksgiving Dinner is a tradition that began in 1976. A Homemakers Club provided and served the first meal. From there it grew and has been passed on through Unocal, Agrium, and Marathon Oil and since 2012, Hilcorp has continued the tradition by providing the funding and the volunteers. We are fortunate to live in a community that celebrates the elders who helped make Alaska what it is today.

The donation will be used as follows:

Congregate Meals – Operating Supplies	\$3,500
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Thank you for your consideration.



**CITY OF KENAI  
ORDINANCE NO. 3379-2023**

AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY PASSED THROUGH THE STATE OF ALASKA DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS FOR THE PURCHASE OF TRAUMA CARE SUPPLIES.

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WHEREAS, the City of Kenai received a notice from the State of Alaska Department of Military and Veterans' Affairs that it was awarded \$15,000 for a grant project under the 2023 State Homeland Security Program; and,

WHEREAS, the City of Kenai project that was awarded funding was for the purchase of trauma care supplies for law enforcement critical incident response kits; and,

WHEREAS, one component of law enforcement's preparedness for critical incidents is to have emergency medical supplies readily available for quick deployment at an incident, including such things as tourniquets, chest seals and wound packing; and,

WHEREAS, the acceptance of these grant funds does not require matching funds and is in the best interest of the City.

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

**Section 1.** That the City Manager is authorized to accept a grant from the U.S. Department of Homeland Security passed through the State of Alaska Department of Military and Veterans' Affairs in the amount of \$15,000.

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

General Fund:

Increase Estimated Revenues –  
Federal Grants \$15,000

Increase Appropriations –  
Police – Operating Supplies \$15,000

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2023.

\_\_\_\_\_  
Brian Gabriel Sr., Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced: November 1, 2023  
Enacted: November 15, 2023  
Effective: November 15, 2023



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** David Ross, Police Chief  
**DATE:** October 19, 2023  
**SUBJECT:** **Ordinance No. 3379-2023, Accepting and Appropriating DHS Grant**

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Grants were applied for by the City of Kenai, under the 2023 Homeland Security Program, and one of those grant requests was funded in the amount of \$15,000. The City received a notice of award of the \$15,000 for trauma care supplies for law enforcement response to critical incidents. This would include emergency care supplies such as tourniquets, chest seals, wound packing, etc.

I am respectfully requesting consideration of the ordinance accepting and appropriating the grant funds for the purposes they were intended.



Sponsored by: Baisden

**CITY OF KENAI  
ORDINANCE NO. 3380-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE 22.05.095 - METHODS OF SALE OR DISPOSAL, TO PROVIDE A VETERANS LAND PURCHASE PRICE DISCOUNT FOR CERTAIN RESIDENTIAL LAND PURCHASES.

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WHEREAS, the City Council is appreciative of the service of veterans in the United States Armed Forces and Alaska National Guard; and,

WHEREAS, offering a once in a lifetime discount to veterans on the purchase of certain City owned land for the intended use as a single-family dwelling demonstrates this appreciation and is intended to encourage veterans to make the City their home; and,

WHEREAS, the City has significant resources of undeveloped land and recognizes current challenges in the local housing market; and,

WHEREAS, this discount is similar to land purchase discounts offered by the State of Alaska to veterans and 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.** Amendment of Section 22.05.095 of Kenai Municipal Code: That Kenai Municipal Code, Section 22.05.095.Methods of sale or disposal, is hereby amended as follows:

**22.05.095      Methods of sale or disposal.**

- (a) Lands to which the City of Kenai holds title which are not restricted from sale by the deed of conveyance to the City or which have been released from such restrictions and that the City Council has determined are not required for a public purpose may be listed for sale by the City Manager. The decision whether or not to sell the land rests in the sole discretion of the City Council.
- (b) The City Council may by ordinance authorize the City Manager to dispose of such properties in accordance with the intent of this chapter as follows:
  - (1) *Noncompetitive Process.*
    - (i) Conveyance to encourage new enterprises where it is found that encouragement of a new commercial or industrial enterprise would be in the best interest of the City; one (1) or more parcels of City land may be sold upon such terms as to price, conditions of conveyance, and with such contingencies as may be set forth in the ordinance.
    - (ii) Property sale to adjacent owners for the conveyance of a parcel of City property at fair market value to the owner of adjacent land whenever, in the judgment of the City Council, the parcel of land is of such small size, shape, or location that it could not be put to practical use by any other party.
    - (iii) Grant or devotion of real property to the United States, the State of Alaska, a local political subdivision of the State of Alaska, or any agency of any of these governments

or a nonprofit corporation, for a consideration agreed upon between the City and grantee without a public sale if the grant, devotion or lease is in the best interest of the City.

(iv) Conveyance of land to resolve a land use conflict.

(2) *Competitive Process.*

(i) Public outcry auction to the highest responsible bidder.

(ii) Sealed bid to the highest responsible bidder.

(iii) Over-the-counter sale after a public outcry auction or sealed bid process on a first-come basis, provided minimum development requirements are met within two (2) years of sale and the land is sold for fair market value. An appraisal to determine fair market value must be completed within a one (1) year period prior to the date of sale.

(iv) Leased land in which the lease was subject to competition through the lease application review process and which contains an option to purchase once the minimum development requirements have been met for the fair market value of the land excluding permanent improvements made by the lessee. An appraisal to determine fair market value must be completed within a one (1) year period prior to the sale.

(3) *Property Exchange.* Property exchanges for the conveyance and exchange of a parcel of City-owned property, including lands held for the use and benefit of the airport for property owned by another individual or legal entity subject to such conditions as Council may impose on the exchange, whenever the City Council makes findings it is in the best interest of the City to make the property exchange.

(c) Any sale of land owned by the City of Kenai and held by it for the use or benefit of the Kenai Municipal Airport must include in any instrument conveying title to the property restrictions accepted by the City under the terms of the 1963 Quitclaim Deed from the United States of America recorded at Book 27, Page 303, at the Kenai Recording District, Kenai, Alaska, or any other land owned by the City and acquired with airport funds which may include similar restrictions. Additionally, any sale or disposal of the aforementioned lands for less than fair market value or exchange for less than equal value shall require a deposit in the amount of the difference to the Airport Land Sale Permanent Fund for the benefit of the Kenai Municipal Airport.

(d) An eligible veteran is entitled to a discount of 25% off the purchase price of certain City land intended for the principal use as a single-family dwelling.

1. The City Manager or City Council must designate land prior to offer as available for this discount and the discount cannot result in costs incurred by the City due to restrictions on the property, including but not limited to properties restricted in use or sale by the federal government.

2. To be eligible for a discount, a veteran must submit proof that the veteran is at least 18 years old, has been a state resident for a period of not less than one year immediately preceding the date of sale and has served in the Alaska Territorial Guard for at least 90 days unless the service was shortened due to a service connected disability or on active duty in the U.S. Armed forces at least 90 days, unless the tenure was shortened due to a service connected disability or due to receiving an early separation upon return from a tour of duty overseas, and has received an honorable discharge of a general discharge under honorable conditions.

3. A veteran is only entitled to one discount under this section during the veteran's lifetime.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2023.

\_\_\_\_\_  
Brian Gabriel Sr., Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk

Introduced: November 1, 2023  
Enacted: November 15, 2023  
Effective: December 15, 2023



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** James Baisden, Council Member  
**DATE:** October 24, 2023  
**SUBJECT:** **Veterans Land Purchase Price Discount**

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This Ordinance is intended to allow certain veterans a once in a lifetime opportunity to buy designated City owned land for residential uses at a 25% discount in recognition of their service to our Country. The Ordinance is modeled after a state program that allows veterans to purchase certain state land at a similar discount. Land available for purchase at a discount would need to be designated by the City Manager or Council for such purchase. The sale discount would not apply to commercially zoned properties, or properties restricted by federal or state grants or deed restrictions. It is anticipated at some point in the future, City land intended for residential use will be made available for purchase and this potential discount would be available to verterans.

Your consideration is appreciated.



**KENAI CITY COUNCIL – REGULAR MEETING  
NOVEMBER 1, 2023 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on November 1, 2023, 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  
Phil Daniel  
Alex Douthit  
Henry Knackstedt

James Baisden, Vice Mayor  
Deborah Sounart  
Victoria Askin (*electronic participation*)

A quorum was present.

Also in attendance were:

\*\*Xinlan Tanner, Student Representative  
Terry Eubank, City Manager  
Scott Bloom, City Attorney  
David Swarner, Finance Director  
Scott Curtin, Public Work Director  
Stephanie Randall, Human Resources Director  
Tyler Best, Parks & Recreation Director  
Meghan Thibodeau, Acting City Clerk

**3. Election of Vice Mayor**

**MOTION:**

Council Member Askin **MOVED** to nominate Council Member Knackstedt as Vice Mayor.

Having no other nominations and hearing no objections, Council Member Knackstedt was elected to the position of Vice Mayor.

**4. Agenda Approval**

Mayor Gabriel noted the following additions to the Packet:

Add item E.1.

**Ordinance No. 3375-2023**

- Kenaitze Indian Tribe Donation – Replacement Letter

Add item E.4.

**Resolution No. 2023-63**

- 2022 UCI Salmon Season Summary
- Upper Cook Inlet Commercial Fisheries Annual Management Report 2021
- ESSN Closure Report

**MOTION:**

Vice Mayor Knackstedt **MOVED** to approve the agenda and consent agenda with the requested revisions. Council Member Baisden **SECONDED** the motion.

**MOTION TO AMEND:**

Council Member Baisden **MOVED** to add item H.4, "Action/Approval - Letter of Support for the Kenai Peninsula Housing Initiatives, Inc. Grant application to develop Senior and Low-Income Housing" to the consent agenda.

**UNANIMOUS CONSENT** was requested on the motion to amend the consent agenda.

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

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

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

**UNANIMOUS CONSENT** was requested on the main motion as amended.

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

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

**B. SCHEDULED ADMINISTRATIVE REPORTS - None.****C. SCHEDULED PUBLIC COMMENTS**

1. Kenai Peninsula Economic Development District Quarterly Update, Tim Dillon Executive Director.

Tim Dillion, Executive Director of the Kenai Peninsula Economic Development District (KPEDD), reported on current and upcoming projects KPEDD is involved in; announced his retirement at the end of December and introduced new executive director Cassidy Cameron who will be taking over January 1, 2024. Ms. Cameron discussed working with the City on funding for capital improvement projects; and emphasized the organization's priorities including workforce development, making the region an attractive place to live and work, entrepreneurship, regional partnerships, and broadband connectivity. She announced an upcoming Industry Outlook Forum event on April 25, 2024.

**D. UNSCHEDULED PUBLIC COMMENTS**

Marion Nelson noted the Kenai Art Center's new storage shed, and discussed this month's mural exhibit.

**E. PUBLIC HEARINGS**

1. **Ordinance No. 3375-2023** - Accepting and Appropriating Donations from the Kenaitze Indian Tribe to Both the Animal Shelter and the Senior Center. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3375-2023. Council Member Sounart **SECONDED** the motion.

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

Kenaitze Indian Tribe was thanked for their generous donation.

**VOTE:**

YEA: Askin, Gabriel, Daniel, Sounart, Knackstedt, Douthit, Baisden

NAY: None.

\*\*Student Representative Tanner: Yea

**MOTION PASSED UNANIMOUSLY.**

- 2. Ordinance No. 3376-2023** - Increasing Estimated Revenues and Appropriations in the General Fund, Parks and Recreation Department for the Purchase of Playground Equipment Utilizing a Grant from Marathon Petroleum. (Administration)

**MOTION:**

Council Member Baisden **MOVED** to enact Ordinance No. 3376-2023. Council Member Sounart **SECONDED** the motion.

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

It was reported that the equipment would be replacing a large tree killed by spruce beetles; the \$20,000 donation was received in FY2023; and the equipment is anticipated to be installed by next summer.

Marathon Petroleum was thanked for their generous donation.

**VOTE:**

YEA: Gabriel, Daniel, Sounart, Knackstedt, Douthit, Baisden, Askin

NAY: None

\*\*Student Representative Tanner: Yea

**MOTION PASSED UNANIMOUSLY.**

- 3. Resolution No. 2023-62** - Establishing the 2024 City Council Regular Meeting Schedule. (City Clerk)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-62. Council Member Sounart **SECONDED** the motion.

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

It was noted that a meeting may be cancelled in late November or early December 2024 due to Alaska Municipal League's Annual Local Government Conference.

**UNANIMOUS CONSENT** was requested.

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

- 4. Resolution No. 2023-63** - Requesting the Governor of the State of Alaska Designate by Proclamation an Economic Disaster for 2023 for the Upper Cook Inlet East Side Set Net Fishery and Supporting A Recovery Plan. (Knackstedt)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-63. Council Member Sounart **SECONDED** the motion.

*[Clerk's Note: Mayor Gabriel passed the gavel to Vice Mayor Knackstedt.]*

Vice Mayor Knackstedt opened the floor for public comment.

Ken Coleman, Vice President of the Kenai Peninsula Fishermen's Association, spoke in support of the resolution. He expressed dismay at the recurring need for disaster declarations for their fishing industry.

He explained that the east side setnet group did not fish due to low king salmon numbers despite meeting the sustainable escapement goal; he emphasized the economic impact of the local fishing businesses on the community and discussed their efforts to secure financial relief.

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

There was discussion on the basis for data provided in the legislation regarding economic impact, biological and escapement goals.

**MOTION TO AMEND:**

Council Member Douthit **MOVED** to amend Resolution No. 2023-63 by removing the 6<sup>th</sup> Whereas, "WHEREAS, at the same time the Set Net fishery was closed, both the Kenai and Kasilof Rivers far exceeded the midpoint of their Sustainable Escapement Goals for sockeye; and,". Council Member Daniel **SECONDED** the motion.

There was discussion on the value of including a statement about escapement goals and whether it affects the intent of the legislation.

**VOTE ON AMENDMENT:**

YEA: Daniel, Douthit  
 NAY: Sounart, Knackstedt, Baisden, Askin  
 ABSTENTION: Gabriel

**MOTION TO AMEND FAILED.**

**MOTION TO AMEND:**

Council Member Douthit **MOVED** to amend Resolution No. 2023-63 by removing the 4<sup>th</sup> Whereas, "WHEREAS, it is conservatively estimated that for 2023 the East Side Set Net fishery lost out on approximately \$7,500,000 in harvest, or more than \$17,000 per permit; and,". Council Member Sounart **SECONDED** the motion.

There was discussion on whether the data presented in this Whereas adds value to the legislation.

**VOTE ON AMENDMENT:**

YEA: Sounart, Douthit, Baisden, Askin, Daniel  
 NAY: Knackstedt  
 ABSTENTION: Gabriel

\*\*Student Representative Tanner: Yea

**MOTION PASSED.**

Support was expressed, there was further discussion regarding a recovery plan for fisheries. Council Members Baisden, Askin, Sounart and Daniel agreed to co-sponsor the resolution with Vice Mayor Knackstedt.

**VOTE ON MAIN MOTION AS AMENDED:**

YEA: Sounart, Knackstedt, Douthit, Baisden, Askin, Daniel  
 NAY: None  
 ABSTENTION: Gabriel

\*\*Student Representative Tanner: Yea

**MOTION PASSED WITHOUT OBJECTION AS AMENDED.**

*[Clerk's Note: Vice Mayor Knackstedt returned the gavel to Mayor Gabriel.]*

5. **Resolution No. 2023-64** - Authorizing a Professional Services Agreement and Corresponding Purchase Order for the 2024 Apron Crack Seal, Marking and Seal Coat Project for the Kenai Municipal Airport. (Administration)

**MOTION:**

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2023-64. Council Member Baisden **SECONDED** the motion.

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

It was reported that the contract will provide for the engineers to develop the specifications and bid documents; will be bid next spring or summer; costs will be 93.75% reimbursable when the actual construction grant is awarded; is limited to the airport apron.

**UNANIMOUS CONSENT** was requested.

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

**6. Resolution No. 2023-65** - Authorizing a Contract for Employee Health Care and Basic Life Insurance Effective January 1, 2024. (Administration)

**MOTION:**

Council Member Baisden **MOVED** to adopt Resolution No. 2023-65. Vice Mayor Knackstedt **SECONDED** the motion.

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

It was reported that Premera initially proposed an 18.5% rate increase which was reduced to 8.5% after seeking a second quote from a competitor; the \$2,000 deductible option will be eliminated in favor of a single option of a \$3,000 deductible; employee life insurance provider will switch from Unum to Lincoln Financial; and the changes represent approximately \$65,000 savings over initial projections.

There was discussion on future rate increases and how they could be addressed.

**UNANIMOUS CONSENT** was requested.

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

**F. MINUTES**

1. \*Regular Meeting of October 19, 2023. (City Clerk)

**G. UNFINISHED BUSINESS** – None.

**H. NEW BUSINESS**

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

Approved by the consent agenda.

2. \***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)

Approved by the consent agenda.

3. \***Action/Approval** - Confirmation of Mayoral Nominations for Partial Term Appointments to the Harbor Commission. (Gabriel)

Approved by the consent agenda.

4. \***Action/Approval** - Letter of Support for the Kenai Peninsula Housing Initiatives, Inc. Grant application to develop Senior and Low-Income Housing. (Administration)

Approved by the consent agenda.

5. **\*Ordinance No. 3377-2023** - Accepting and Appropriating an Increase in the Title III Grant from the State of Alaska Department of Health and Social Services for Nutrition, Transportation and Support Services and an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

Introduced by the consent agenda and Public Hearing set for November 15, 2023.

6. **\*Ordinance No. 3378-2023** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Area-Wide Senior Thanksgiving Dinner. (Administration)

Introduced by the consent agenda and Public Hearing set for November 15, 2023.

7. **\*Ordinance No. 3379-2023** - Accepting and Appropriating a Grant from the U.S. Department of Homeland Security Passed through the State of Alaska Department of Military and Veterans' Affairs for the Purchase of Trauma Care Supplies. (Administration)

Introduced by the consent agenda and Public Hearing set for November 15, 2023.

8. **\*Ordinance No. 3380-2023** - Amending Kenai Municipal Code 22.05.095 - Methods of Sale or Disposal, to Provide a Veterans Land Purchase Price Discount for Certain Residential Land Purchases. (Baisden)

Introduced by the consent agenda and Public Hearing set for November 15, 2023.

9. **Action/Approval** - Mayoral Liaison Nominations for Appointment to Committees and Commissions. (Gabriel)

Mayor Gabriel reported that nominations are based on the requests of the Council Members and he also tries to give the members different committee assignments; he noted the Planning & Zoning Liaison's significant time commitment and the possibility of dividing the role if needed. He stated that he would like to include the nomination of Council Member Askin as the appointment to the Supervisory Sub-Committee.

**MOTION:**

Vice Mayor Knackstedt **MOVED** to approve the Mayoral Nominations of Council Liaisons for appointment to committees and commissions and appoint Council Member Askin to the Supervisory Sub-Committee. Council Member Sounart **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion.

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

It was noted that the new assignments were effective immediately. Mayor Gabriel reviewed the role of Council Liaison.

10. **Discussion/Action** - Virtual Meetings Participation. (Clerk)

It was reported that the City Clerk Saner attended a virtual conference on the subject of "Zoom Bombings" in response to the upsetting interruptions during the last City Council meeting, and descriptions of several possible solutions had been provided in the packet; currently the Clerk's Office has temporarily upgraded from Zoom Meetings to Webinars, and a motion to approve would be required to continue.

There was discussion regarding how Zoom had been implemented in response to the COVID-19 emergency; its necessity in relation to the size of the City; the additional security benefits of Webinars; the convenience of remote participation for the public; the possibility of using alternative platforms;

associated costs of Zoom and the additional Webinar feature; the possibility of granting public remote participation access by request; and legal concerns with defining restricted speech.

There was general consensus that the Council would return to the issue for further discussion at their December 20, 2023 meeting.

## **I. COMMISSION / COMMITTEE REPORTS**

### 1. Council on Aging

No report, next meeting November 9, 2023.

### 2. Airport Commission

No report, next meeting November 9, 2023.

### 3. Harbor Commission

No report, next meeting November 6, 2023.

### 4. Parks and Recreation Commission

No report, next Work Session and Meeting on November 2, 2023.

### 5. Planning and Zoning Commission

No report.

### 6. Beautification Committee

No report.

## **J. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Thanked James Baisden for serving as Vice Mayor the previous year.
- Veteran's Day is November 11<sup>th</sup>; next Council meeting will include legislation sponsored by Council Member Baisden that will affect veterans in the community.

## **K. ADMINISTRATION REPORTS**

### 1. City Manager – City Manager Eubank reported on the following:

- Concerns have been expressed by members of the public regarding street lights out in the City; Public Works Director Curtin reported on the current situation.
- Departments are in the process of developing FY2025-2029 Capital Plan; projects being taken to Commissions & Committees for input, will bring to Council in December or early January.
- City Manager may have an intern starting in January or late December.
- New Airport Manager starts November 13<sup>th</sup>.
- Consultants for the City's classification plan begin work this week; the compensation study will be handled internally.
- Will be meeting with Kenai Native Association to discuss how to bring the Wildwood Drive project to upcoming legislative sessions; reported the results of a DOT traffic counter on the road.
- Legislation will be introduced at next meeting to exempt the first \$100,000 of business personal property for businesses in the City.

*[Clerk's Note: Council Member Askin exited the meeting at 8:09 p.m.]*

2. City Attorney – No report.
3. City Clerk – Acting City Clerk Thibodeau responded to questions regarding the upcoming Commission & Committee Review.

**L. ADDITIONAL PUBLIC COMMENTS**

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

Council Member Askin had expressed her thanks to James Baisden for serving as Vice Mayor, and congratulated new Vice Mayor Knackstedt.

Council Member Douthit thanked the City for all their work on the street lights, and encouraged them to develop a plan for addressing the issue that would involve the public; inquired about the status of a seasonal operator position.

Student Representative Tanner reported on Connection Home School activities: owl pellet dissection, science of reading meeting series, hay maze at Solid Rock, picture retakes, AMC 10A and 12A, Student Council bake sale, Thanksgiving Food Drive, and designated homeschool swim. Kenai Alternative High School activities: five new students, new culinary arts course, School Council meeting to promote community scholarship fair, annual Thanksgiving dinner, partnering with local organizations to host a community event focusing on adverse childhood experiences and parent resiliency, and a sources of strength activity. Kenai Central High School activities: volleyball schedule, hockey schedule, wrestling schedule, eligibility check for students, swim and dive state championship and volleyball championship.

Council Member Sounart thanked Public Works for their work maintaining streetlights and planning for replacements; requested a report on new snow removal equipment in the future; attended Senior Center Halloween event.

Council Member Daniel noted that he enjoyed his first meeting; thanked Director Curtin for addressing street lights issue.

Council Member Baisden thanked the City for addressing street lights, and welcomed new Vice Mayor Knackstedt.

Vice Mayor Knackstedt expressed appreciation for Council Member Baisden's service as Vice Mayor, and thanked Council for their support. Noted that the North Willow Street Project was completed this year and the paving is in good condition.

**M. EXECUTIVE SESSION** - None.

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATIONAL ITEMS** - None.

There being no further business before the Council, the meeting was adjourned at 8:34 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of November 1, 2023.

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Meghan Thibodeau  
Acting City Clerk



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

DRAFT

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: NOVEMBER 15, 2023**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	105,837.71
PREMERA	NOVEMBER PREMIUM	VARIOUS	INSURANCE	195,393.91

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Meghan Thibodeau, Acting City Clerk  
**DATE:** November 6, 2023  
**SUBJECT:** **Marijuana License Renewal – Shackleford Investments**

---

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

Applicant: Shackleford Investments, LLC  
D/B/A: Shackleford Investments, LLC  
License Type: Standard Marijuana Cultivation Facility  
License No: 31826

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

Your consideration is appreciated.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

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

September 1, 2023

Licensee: **Shackleford Investments, LLC**  
DBA: Shackleford Investments, LLC  
VIA email: shackelford.investments.llc@gmail.com  
Local Government: Kenai (City of)  
Local Government2: Kenai Peninsula Borough

Via Email: [micheleturner@kpb.us](mailto:micheleturner@kpb.us) ; [tward@kpb.us](mailto:tward@kpb.us) ; [mjenkins@kpb.us](mailto:mjenkins@kpb.us) ; [nscarlett@kpb.us](mailto:nscarlett@kpb.us) ;  
[cjacksky@kpb.us](mailto:cjacksky@kpb.us) ; [rraidmae@kpb.us](mailto:rraidmae@kpb.us) ; [slopez@kpb.us](mailto:slopez@kpb.us) ; [bcarter@kpb.us](mailto:bcarter@kpb.us) ; [jbeauchamp@kpb.us](mailto:jbeauchamp@kpb.us) ;  
[cityclerk@kachemak.city](mailto:cityclerk@kachemak.city)

Re: Standard Marijuana Cultivation Facility #31826 Combined Renewal Notice

<b>License Number:</b>	#31826
<b>License Type:</b>	Standard Marijuana Cultivation Facility
<b>Licensee:</b>	Shackleford Investments, LLC
<b>Doing Business As:</b>	Shackleford Investments, LLC
<b>Physical Address:</b>	8847 Kenai Spur Highway Buildings F,G,H Kenai, AK 99611
<b>Designated Licensee:</b>	Nicholas Mann
<b>Phone Number:</b>	719-221-9919
<b>Email Address:</b>	shackelford.investments.llc@gmail.com

License Renewal Application       Endorsement Renewal Application

**Dear Licensee:**

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

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

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application

independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2022/2023 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the [marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov) email address if you have any questions.

**Dear Local Government:**

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

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

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

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

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

Sincerely,



Joan M. Wilson, Director  
907-269-0350



Alaska Marijuana Control Board

# Cover Sheet for Marijuana Establishment Applications

### What is this form?

This cover sheet **must** be completed and submitted any time a document, payment, or other marijuana establishment application item is emailed, mailed, or hand-delivered to AMCO's main office.

**Items that are submitted without this page will be returned in the manner in which they were received.**

### Section 1 – Establishment Information

Enter information for the licensed business.

License Type:	Standard Marijuana Cultivation	License Number:	31826
Name of Business:	Shackleford Investments LLC		
Physical Address:	8847 Kenai Spur Highway Buildings F,G,H		

### Section 2 – Attached Items

List all documents, payments, and other items that are being submitted along with this page.

Submitting Payment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
This is for a:	<input type="checkbox"/> New Application <input type="checkbox"/> Transfer Application <input checked="" type="checkbox"/> Renewal Application <input type="checkbox"/> Other (specify):
Included Documents:	MJ-20 Renewal Certifications



Alaska Marijuana Control Board

**Form MJ-20: 2023-2024 Renewal Application Certifications**

**Why is this form needed?**

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

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

**Section 1 – Establishment Information**

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

Licensee:	Shackleford Investments, LLC	License Number:	31826		
License Type:	Standard Marijuana Cultivation				
Doing Business As:	Shackleford Investments, LLC				
Premises Address:	8847 Kenai Spur Highway Buildings F,G,H				
City:	Kenai	State:	AK	ZIP:	99611

**Section 2 – Individual Information**

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

Name:	Nicholas Mann				
Title:	Owner				

**Section 3 – Violations & Charges**

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

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

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

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

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

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



# Form MJ-20: 2023-2024 Renewal Application Certifications

## Section 5 – Certifications

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

Initials

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

NFM

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

NFM

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

NFM

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

NFM

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

NFM

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

NFM

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

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

[Empty box for listing license numbers]

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

NFM

NICHOLAS MANN  
Printed name of licensee

[Signature]  
Signature of licensee





# Office of the Borough Clerk

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

Michele Turner, CMC  
Borough Clerk

Monday, October 9, 2023

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

Ms. Shellie Saner, City Clerk  
City of Kenai

RE: Renewal Application for Standard Marijuana Cultivation Facility

Business Name : Shackleford Investments, LLC  
License Location : Kenai/8847 Kenai Spur F, G, H  
License No. : 31826

Dear Ms. Saner,

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

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

Sincerely,

Michele Turner, CMC  
Borough Clerk

cc: [shackleford.investments.llc@gmail.com](mailto:shackleford.investments.llc@gmail.com)

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



August 30, 2023

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

<b>License Type:</b>	Beverage Dispensary Tourism	<b>6111</b>	
<b>Licensee:</b>	Salamatof Cannery Lodge LLC		
<b>Doing Business As:</b>	Salamatof Cannery Lodge LLC		

**New Application**

**Transfer of Ownership Application**

**Transfer of Location Application**

**Transfer of Controlling Interest Application**

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

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

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

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

Sincerely,  
Joan Wilson Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



Alaska Alcoholic Beverage Control Board

# Form AB-00: New License Application

**Why is this form needed?**

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

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

## Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	Salamatof Cannery Lodge LLC		
License Type:	Beverage Dispensary Tourism	Statutory Reference:	04.11.400(d)
Doing Business As:	Salamatof Cannery Lodge		
Premises Address:	2101 Bowpicker Lane, Unit 13		
City:	Kenai	State:	AK
		ZIP:	99611
Local Governing Body:	City of Kenai, Kenai Peninsula Borough		
Community Council:			

Mailing Address:	P.O. Box 1425		
City:	Kenai	State:	AK
		ZIP:	99611

Designated Licensee:	Eric Morrison		
Contact Phone:	907-231-6098	Business Phone:	907-283-2700
Contact Email:	emorrison@salamatoftribe.org		

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

OFFICE USE ONLY			
Complete Date:		License Years:	License #:
Board Meeting Date:		Transaction #:	
Issue Date:		Examiner:	



**Alaska Alcoholic Beverage Control Board**  
**Form AB-00: New License Application**

---

**Section 2 – Premises Information**

Premises to be licensed is:

- an existing facility       a new building       a proposed building

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

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

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

**Section 3 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.

If more space is needed, please attach a separate sheet with the required information.

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

This individual is an:     applicant       affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:     applicant       affiliate

Name:					
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board  
**Form AB-00: New License Application**

**Section 4 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

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

Entity Official:	Kate Schadle				
Title(s):	Manager	Phone:	(907) 283-2700	% Owned:	0
Address:	P.O. Box 1425				
City:	Kenai	State:	AK	ZIP:	99611

Entity Official:	Eric Morrison				
Title(s):	Affilia	Phone:	(907) 231-6098	% Owned:	0
Address:	PO BOX 1425				
City:	Kenai	State:	AK	ZIP:	99611

Entity Official:	Salamatof Tribal Council				
Title(s):	Member, Manager	Phone:	(907) 283-2700	% Owned:	100
Address:	PO BOX 1425				
City:	Kenai	State:	AK	ZIP:	99611

Entity Official:					
Title(s):		Phone:		% Owned:	0
Address:					
City:		State:		ZIP:	



## Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

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

DOC Entity #:	1019395	AK Formed Date:	4/22/2022	Home State:	AK
Registered Agent:	Salamatof Tribal Council		Agent's Phone:	(907) 283-7864	
Agent's Mailing Address:	PO BOX 1425				
City:	Kenai	State:	AK	ZIP:	99611

Residency of Agent: Yes No

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

### Section 5 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses: Yes No

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

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

### Section 6 – Authorization

Communication with AMCO staff: Yes No

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

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

The Law Offices of Ernouf & Coffey, P.C. is assisting with the application.

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



# Alaska Alcoholic Beverage Control Board

## Form AB-00: New License Application

### Section 7 – Certifications

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

Initials

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

*[Handwritten initials]*

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

*[Handwritten initials]*

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

*[Handwritten initials]*

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

*[Handwritten initials]*

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

*[Handwritten initials]*

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

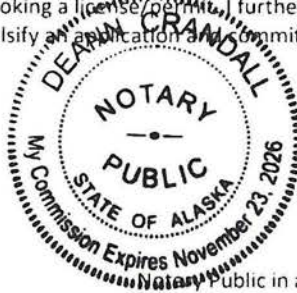
*[Handwritten initials]*

*[Handwritten signature of Eric Morrison]*

Signature of licensee

Eric Morrison

Printed name of licensee



*[Handwritten signature of Dean Randall]*

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: Nov 23 2023

Subscribed and sworn to before me this 2 day of May, 2023



## Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

### Why is this form needed?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The **second page** of this form may not be required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

**This form must be completed and submitted to AMCO's Anchorage office before any license application will be considered complete.**

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Salamatof Cannery Lodge LLC	License Number:	
License Type:	Beverage Dispensary Tourism		
Doing Business As:	Salamatof Cannery Lodge		
Premises Address:	2101 Bowpicker Lane, Unit 13		
City:	Kenai	State:	AK
		ZIP:	99611



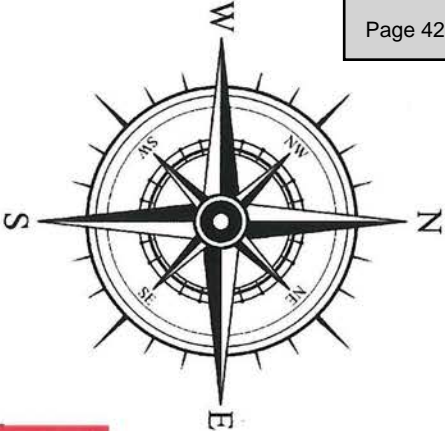


Alaska Alcoholic Beverage Control Board  
**Form AB-02: Premises Diagram**

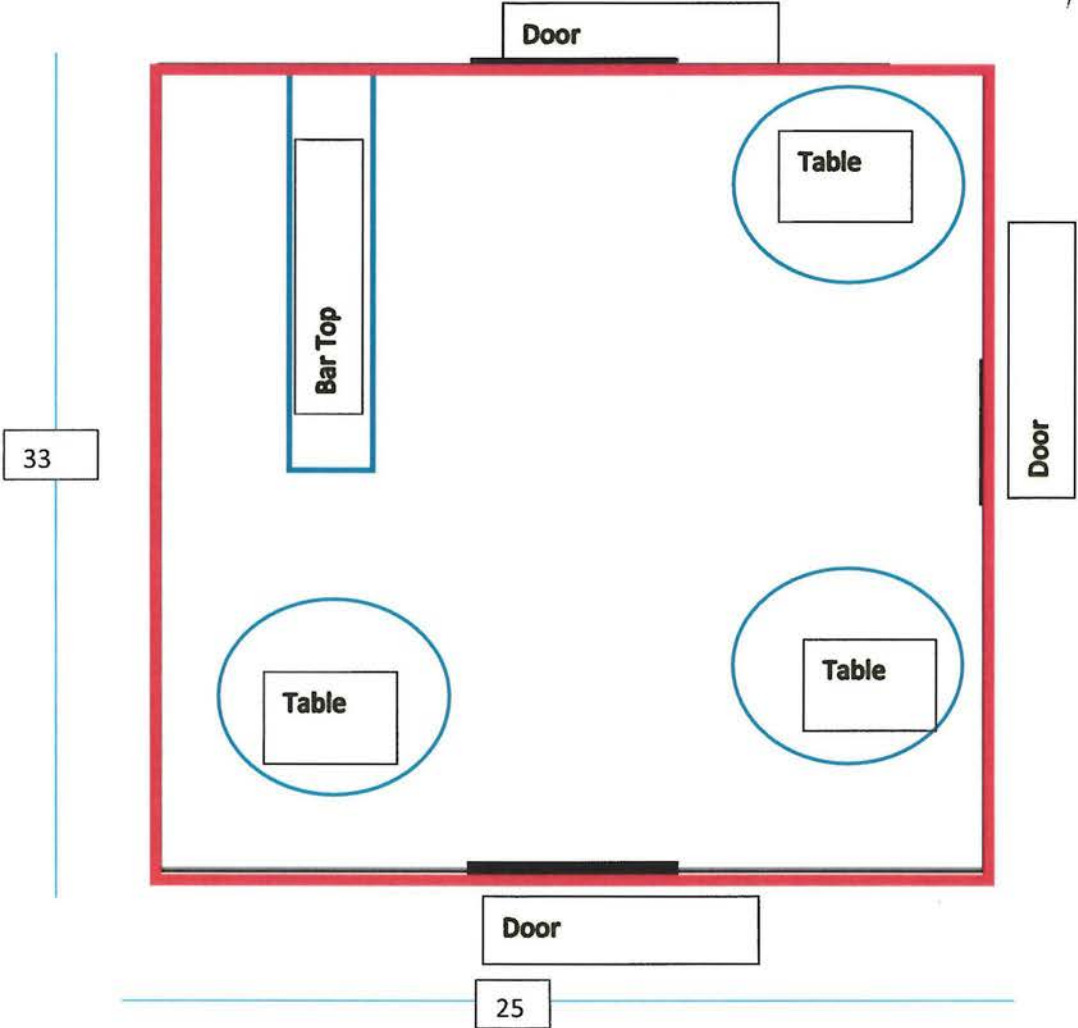
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**Section 2 – Detailed Premises Diagram**

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

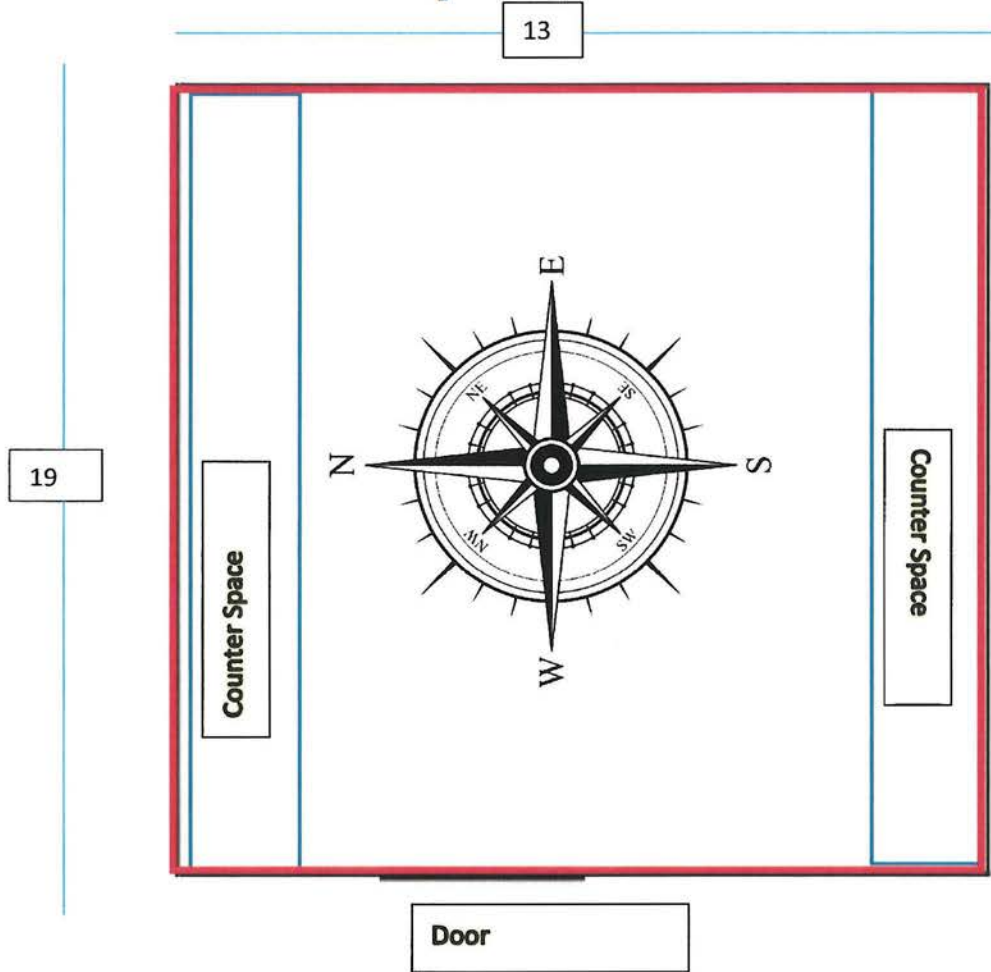


# Hydeout



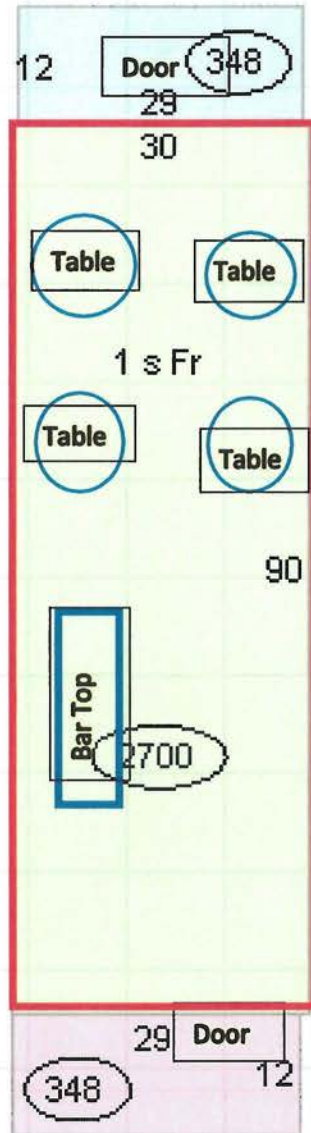
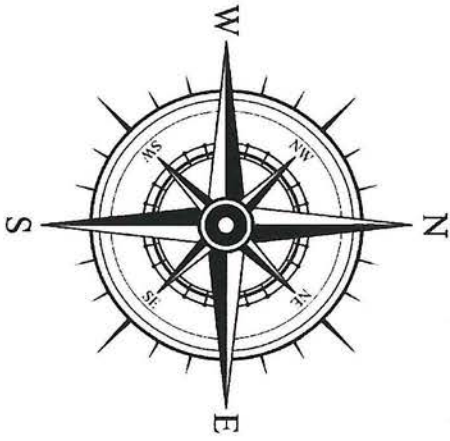
the "Hyde Out" which can be catered for small private events of 30-35 guests.

# Spirit Shack



An outdoor venue with a deck overlooking the river with a small "Spirit Shack" for dispensing food and liquor. The outdoor venue space and Spirit Shack are used for weddings, concerts, and corporate parties with a capacity of approximately 300 guests. The covered stage area has a grass amphitheater with seating for 250 guests and is used seasonally for summer concerts or other events. This covered stage area may be serviced by personnel in the Spirit Shack or by a portable bar at the stage site.

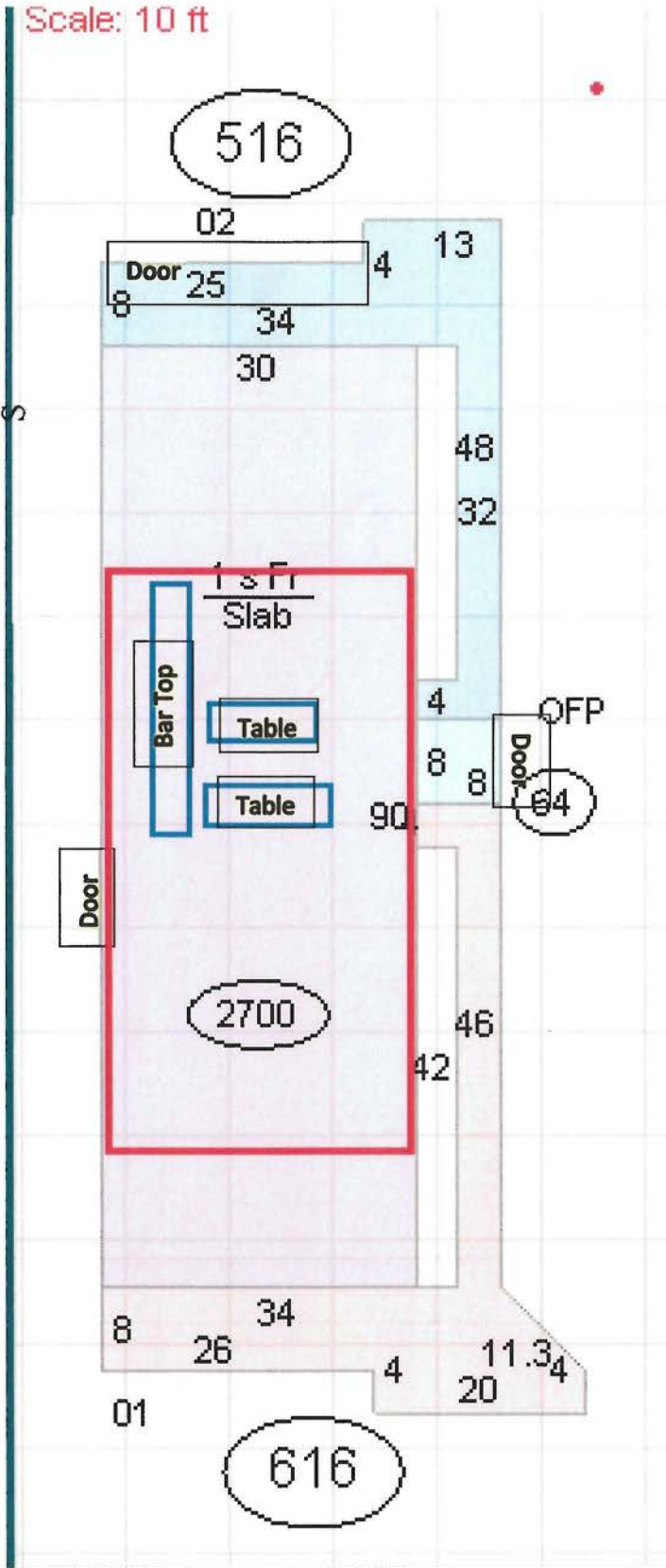
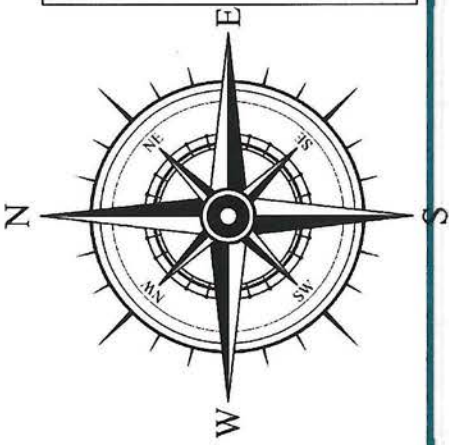
**Old Admin Building  
2<sup>nd</sup> floor**



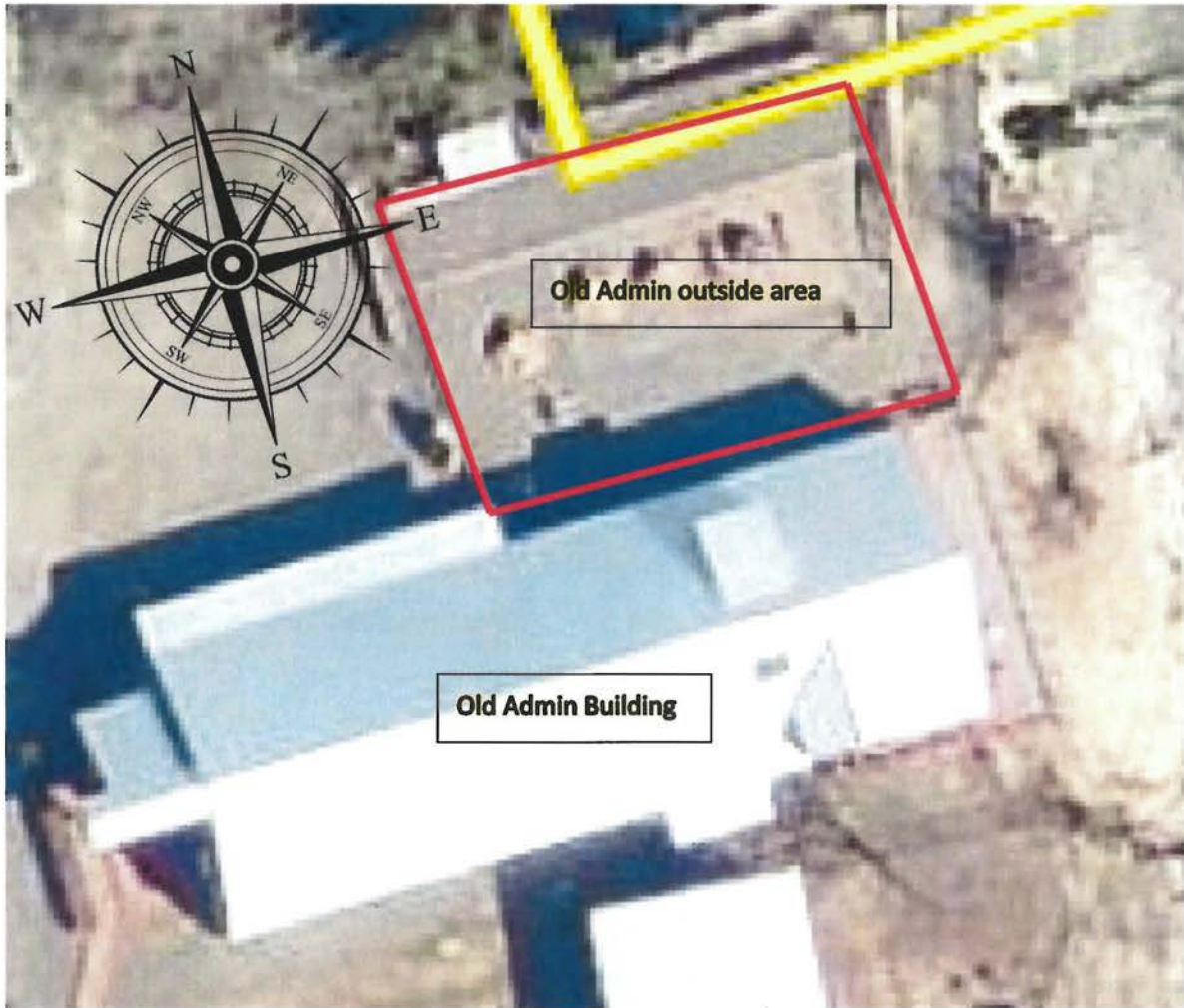
the 2<sup>nd</sup> floor of the Old Admin with a capacity of 75-100 people and contains a portable bar with approximately 2200 sq. feet of space is used for event space.

Scale: 10 ft

Old Admin Building



The 1st floor of the old Admin building has a full-service bar and seating for 20 guests with approximately 900 sq. feet of space.



The outdoor area attached to the old admin building/main bar area has an enclosure that is a chain link fence and is 4 foot fencing all the way around the yard area so no one can take alcohol outside the area.



AMCO  
12/8/22

GARAGE Alcohol Locking Cabinet

AMCO

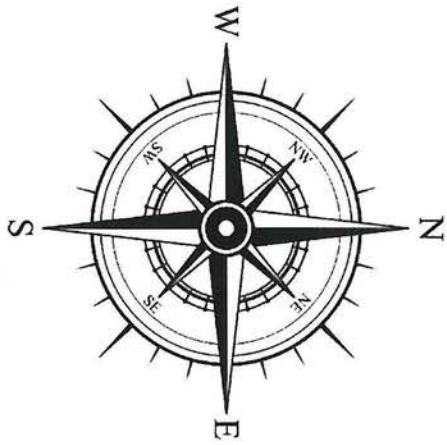
DEC 08 2022







Kenai River

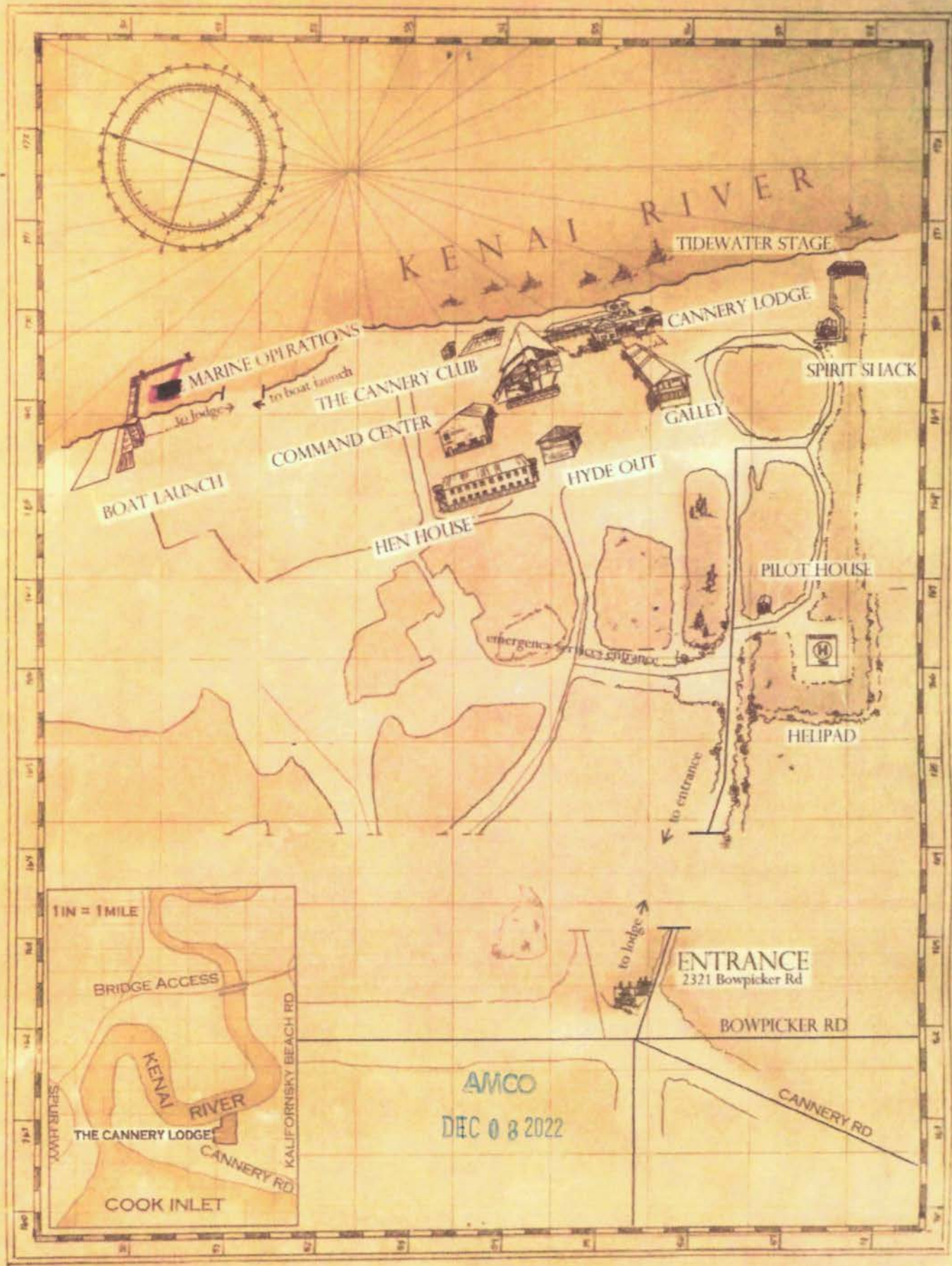


**THE CANNERY LODGE – AREAS SERVING ALCOHOL**

The main bar is located on the 1<sup>st</sup> floor of Cannery Lodge, Old Admin building approximately 900 sq feet for 20 guests. The event center is located on the 2<sup>nd</sup> floor of the Old Admin building with a capacity of 75-100 people and has two separate bar areas, one is portable. Approximately 2200 sq. feet of space. An additional location on the campus the "Hyde Out" can also be catered for small private events 35 people 800 sq ft , and a small "Spirit Shack" for dispensing food and liquor by the outdoor event deck as well as the stage/amphitheater with outdoor seating and covered stage.

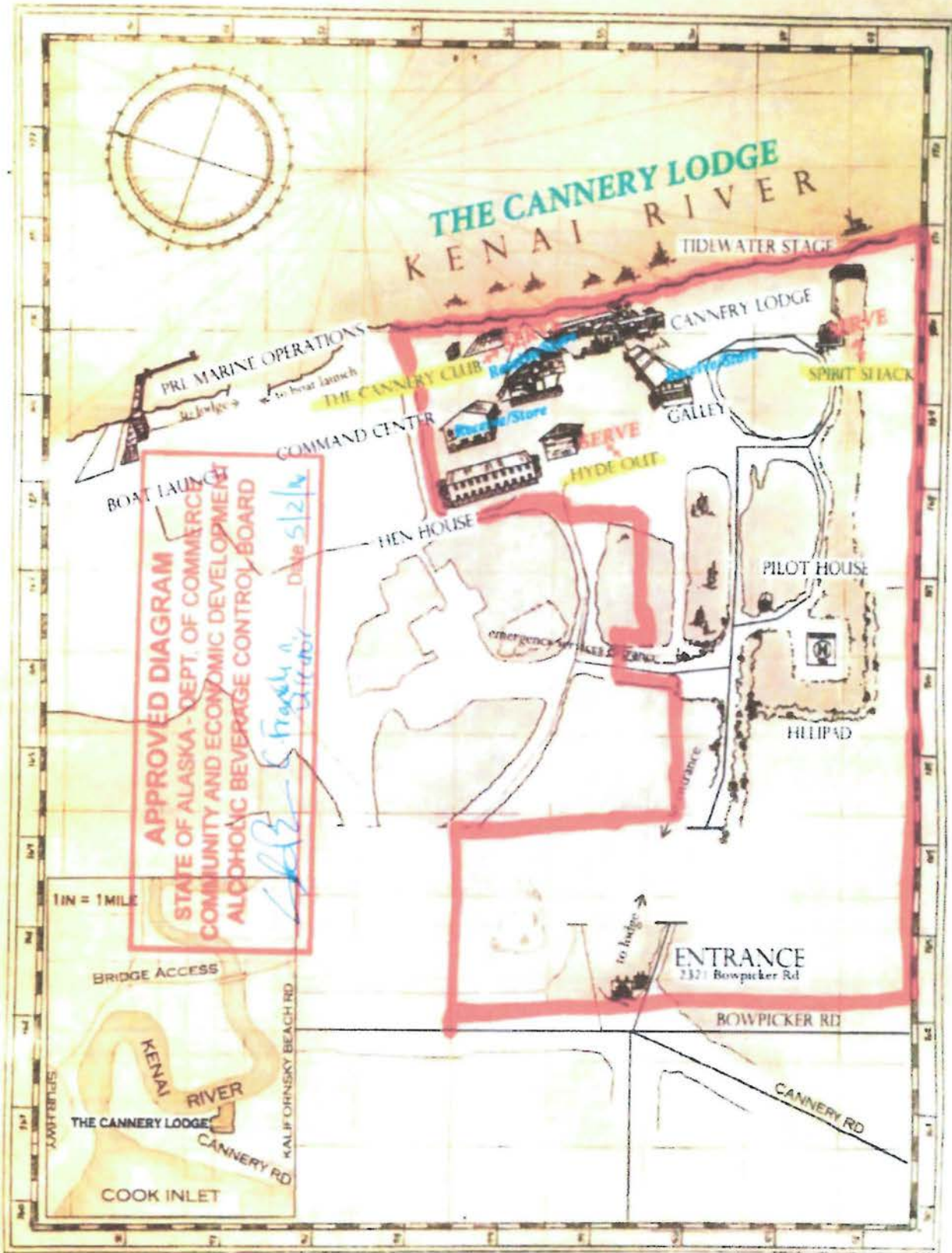
Hours of Operation in the Bar are all seasonal variable with variable operating hours.

AMCO  
DEC 08 2022



Previously App  
Site map by AB  
for Ref. only

EXHIBIT B



APPROVED DIAGRAM  
 STATE OF ALASKA - DEPT. OF COMMERCE  
 COMMUNITY AND ECONOMIC DEVELOPMENT  
 ALCOHOLIC BEVERAGE CONTROL BOARD

Date 5/2/14  
 Fresh n' stuff

AMCO

DEC 08 2022



SPIRIT  
SHACK

AMCO  
DEC 08 2022

STATEMENT OF OPERATION  
Salamatof Tribe Cannery Lodge  
2022 SUMMARY

In 2022 Salamatof Tribe acquired this commercial facility in Kenai, Alaska on the Kenai River. The setting is a historical cannery site at the old Libby, McNeil and Libby Cannery. The Cannery was eventually sold to Columbia Wards in 1950, becoming Wards Cove Packing in the 1980s.

The previous owner extensively remodeled the various historic cannery buildings. The facility includes an administration building with an event center, several lodging facilities with 38 rooms for client personnel and guests, a kitchen and dining facility for our guests, a small venue event center Hyde-out, several outdoor event areas including a covered stage and amphitheater, an outdoor deck and lawn venue with Spirit House, a garage and warehouse, a private FAA certified Helipad, and a permanent commercial dock on the Kenai River.

The original Lodge opened in early 2015. The current facility is 100% owned by Salamatof Tribe. A new lodge liquor license to sell and dispense alcohol to our guests and for private catered events such as weddings, holiday dinner parties, corporate annual meetings, outdoor concerts and corporate retreats is currently in process.

The Lodge Property is open eight months out of the year generally (May through December), however, special events may be booked at the lodge in the off-season period for private and corporate clients. Staff employees are on site during all operations. The access to the campus is secured with a key-code lock at the front gate. The secure entrance and driveway are exclusively used for this property.

The Event Center is located on the 2<sup>nd</sup> floor of the Old Admin with a capacity of 75-100 people and contains a portable bar with approximately 2200 sq. feet of space. The 1<sup>st</sup> floor of the old Admin building has a full-service bar and seating for 20 guests with approximately 900 sq. feet of space. Additional locations on the campus serving alcohol are at the "Hyde Out" which can be catered for small private events of 30-35 guests, an outdoor venue with a deck overlooking the river with a small "Spirit Shack" for dispensing food and liquor. The outdoor venue space and Spirit Shack are used for weddings, concerts, and corporate parties with a capacity of approximately 300 guests. The covered stage area, has a grass amphitheater with seating for 250 guests and is used seasonally for summer concerts or other events. This covered stage area may be serviced by personnel in the Spirit Shack or by a portable bar at the stage site. Several bartenders and several servers work these functions. All personnel involved have completed TAPS training and a bar manager is the administrator for these operations. Hours of operation for these various facilities are variable within the legal liquor service periods of operation.

Several indoor/outdoor concert events may take place. The indoor concerts are generally held in the 2<sup>nd</sup> floor reception area and the outdoor concert events held on summer weekends are held at the outdoor stage. Gates opening at 4 PM, closing time is generally 11 PM.

Age Restrictions: It is possible that guests under the age of 21 may be in attendance with the guests. This age exception would be for private invitation only at client events with ticket sales or private events utilizing the Property. Tickets for concerts are not sold individually to guests under the age of 21. Proper identification is required at point of sale in accordance with our liquor license. ID's may also be checked at the entrance to the concert events with wristbands issued.

Concert security is determined by the type of event and the requirements of the specific performers but generally off-duty police or a private security company provides this service. No firearms are kept on the premises. No complaints or police engagements were reported by the previous owner.

The prior owner applied for and received a (RDP) Restaurant Designation Permit for this facility in September 2020.

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**Salamatof Cannery Lodge, LLC**  
**Outside Security Plan**

Salamatof Cannery Lodge, LLC d.b.a. Salamatof Cannery Lodge is located at 2101 Bowpicker Lane, Kenai, Alaska 99611. The outside area will be used during the summer months and for special events.

There will be a manager on site at all times, and when the outdoor serving area is open (weather and staffing dependent), there will be staff walking between the indoor area, and outdoor area to monitor alcohol consumption. The outdoor area attached to the old admin building/main bar area has an enclosure that is a chain link fence and is 4 foot fencing all the way around the yard area so no one can take alcohol outside the area.

The stage area outside does not have an enclosure but wait staff and lodge staff monitor the area and a manager is always on site. Staff are always outside watching the stage area and are available for patrons.

We will have the appropriate legal signage posted stating no alcohol beyond this point. When the indoor seating area is open and the outdoor seating area is closed, doors to the outdoor seating area will be closed and used only for emergency egress. Staff in the indoor seating area will monitor, to ensure patrons do not attempt to use the outside area when it is closed.

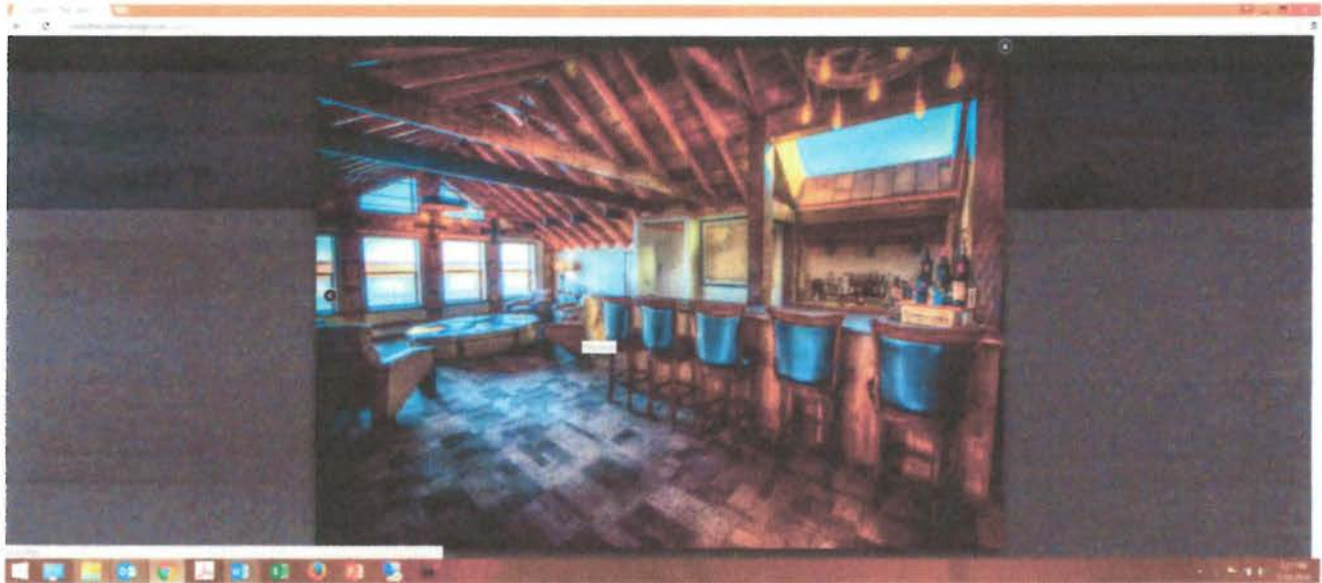


O



Original Lodge Liquor License 2<sup>nd</sup> Floor of this Building Old Admin

AMCO  
DEC 08 2022



Original Lodge License – Installed Bar Area on 2<sup>nd</sup> floor Old Admin Building

AMCO  
DEC 08 2022



Additional Building – HYDE OUT - Inside view

AMCO  
DEC 08 2022



BEER DOWN -  
OLD ADMIN



# Office of the Borough Clerk

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

Michele Turner, CMC  
Borough Clerk

Tuesday, November 7, 2023

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

Ms. Shellie Saner, City Clerk  
City of Kenai

RE: Non-Objection of Application

Licensee/Applicant	:	Salamatof Cannery Lodge LLC
Business Name	:	Salamatof Cannery Lodge LLC
License Type	:	Beverage Dispensary/Tourism
License Location	:	2101 Bowpicker Lane, Unit 13, City of Kenai
License No.	:	6111
Application Type	:	New Liquor License

Dear Ms. Saner,

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

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

Sincerely,

Michele Turner, CMC  
Borough Clerk

cc: [emorrison@salamatoftribe.org](mailto:emorrison@salamatoftribe.org);

<mailto:amco.localgovernmentonly@alaska.gov>



# KENAI

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

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Mary Bondurant, Interim Airport Manager  
**DATE:** November 2, 2023  
**SUBJECT:** **Action/Approval Special Use Permit for the American Red Cross**

---

The American Red Cross is requesting to renew their Special Use Permit that expires on November 30, 2023 under the same terms and conditions.

The American Red Cross is a nonprofit corporation that provides services to the Kenai Peninsula including house and forest fire response, smoke alarm installation, preparedness training, and more.

The permit is for approximately 475 square feet of office space on the second floor of the Alaska Regional Fire Training Facility. The permit fee is \$1.00 per month plus \$211.44 per month for utility costs plus applicable tax. The term of the Special Use Permit will be December 1, 2023 to November 30, 2024.

The Special Use Permit Application has been completed and the \$100 application fee paid. The Airport has a current Certificate of Insurance on file and the American Red Cross is current on all fees owed to the City.

*\*This memo was provided prior to the November 9, 2023 Airport Commission meeting due to the Council packet deadline. A laydown memo will be provided prior to the Council meeting with Airport Commission's action.*

Thank you for your consideration.

Attachment

## SPECIAL USE PERMIT

**THE CITY OF KENAI (CITY)** for the considerations and pursuant to the conditions and requirements set forth below, hereby grants **AMERICAN RED CROSS OF ALASKA (PERMITTEE)**, a nonprofit corporation, whose address is 235 E. 8<sup>th</sup> Ave. Ste. 200, Anchorage Alaska, 99501, the non-exclusive right to use that area described below:

Access to second floor office space, ROOM 228, and parking at the Alaska Regional Fire Training Center, located at 450 Marathon Rd., Kenai, Alaska 99611. Approximately 475 square feet.

1. **TERM.** This special use permit shall commence and be effective on December 1, 2023, and shall extend through November 30, 2024.
2. **PERMIT FEES.** The monthly fee for this permit is \$1.00 per month, plus \$211.44 utilities cost per month, plus applicable sales tax.
3. **USE.** The right to use the ROOM 228 for General Office Space, Training and/or Testing, and Storage. This includes reasonable ingress and egress to and from ROOM 228 through the Building's common areas. Permittee shall not have the right to use any other space in the Building (such as library, conference rooms, break room, coffee room) or any equipment belonging to the City unless given written permission to do so.
4. **LICENSES AND PERMITS; LAWS.** Permittee shall adhere to all federal, state, and local laws, ordinances, and regulations while conducting its activities on the Premises. Permittee shall obtain and maintain all required federal, state, and local licenses, permits, certificates, and other documents required for Permittee's operations under the Permit. Permittee shall provide proof of compliance to the City upon request by the City.
5. **NO EXCLUSIVITY.** This Permit is not intended to grant any exclusive use to the described Premises.
6. **INSURANCE.** Permittee shall provide proof of insurance coverage, including worker's compensation, if necessary, in an amount satisfactory to the City Manager, and listing the City as an additional insured.
7. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** Permittee agrees to indemnify, defend, and hold the City, its agents, and employees harmless from and against any and all liability, loss, suit, claim, judgment, fine, demand, damage, penalty,

property damage, or personal injury of whatever kind, including sums paid in settlements of claims, attorney fees, consultant fees, expert fees, or costs incurred arising from or connected with the Permittee's use or occupation of the Premises. Permittee shall give the City of Kenai reasonable notice of any such claims or actions. However, Permittee shall not be responsible for any damage or claims from the sole negligence, activities, or omission of the City or its agents or employees.

**8. PERSONALITY.** Permittee must keep the space and all other materials on the Premises clean and in good condition.

Permittee shall remove any and all personal property from the Premises at the termination of this Permit (or any renewal thereof). Personal property placed or used upon the Premises will be removed and/or impounded by the City, if not removed upon termination of this Permit and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25.00 per day. The City of Kenai is not responsible for any damage to or theft of any personal property of Permittee at or from the Premises.

**9. NO WAIVER.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions or requirements.

**10. MUTUAL CANCELLATION.** This Permit may be cancelled in whole or in part with one month written notice by Permittee or the City.

**11. NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.

**12. ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its use of the Premises.

**13. NO JOINT VENTURE.** City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.



**14. CONTACT INFORMATION.** The contact information for Permittee, and the person in responsible charge for Permittee during the term of the Permit, for purposes of notice and all communications from City to Permittee is:

American Red Cross of Alaska  
235 E. 8<sup>th</sup> Ave. Ste. 200  
Anchorage, Alaska 99501

The contact information for City for purposes of notice and all communications from Permittee to City is:

Airport Administration  
305 North Willow, Suite 200  
Kenai, Alaska 99611  
Telephone: (907) 283-8281

**15. RIGHTS OR REMEDIES.** No right or remedy herein conferred upon or reserved to each respective party is intended to be exclusive of any other right or remedy. Each and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder, or now or hereafter existing at law or in equity.

**16. GOVERNING LAW; VENUE.** The laws of State of Alaska will determine the interpretation of this Agreement and the performance thereof. Any lawsuit brought thereon shall be filed in the Third Judicial District at Kenai, Alaska.

**17. AUTHORITY.** By signing this Permit, Permittee represents that it has read this agreement and it agrees to be bound by the terms and conditions herein and that the person signing this Permit is authorized to bind Permittee.

**CITY OF KENAI**

By: \_\_\_\_\_  
Terry Eubank  
City Manager

AMERICAN RED CROSS OF ALASKA

By: \_\_\_\_\_  
Paul Ramage  
Regional Facility Coordinator

Approved as to form:

\_\_\_\_\_  
Scott Bloom  
City Attorney

STATE OF ALASKA            )  
  ) ss.  
THIRD JUDICIAL DISTRICT    )

THIS IS TO CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 2023, 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 \_\_\_\_\_, 2023, the foregoing instrument was acknowledged before me by Paul Ramage, of American Red Cross, an Alaska non-profit corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires: \_\_\_\_\_



Sponsored by: Baisden

**CITY OF KENAI  
ORDINANCE NO. 3381-2023**

AN ORDINANCE REPEALING KENAI MUNICIPAL CODE APPENDICES - PUBLIC RECORD INSPECTION REGULATIONS, REPEALING KENAI MUNICIPAL CODE CHAPTER 10.40 - RELEASE OF PUBLIC RECORDS AND RE-ENACTING KENAI MUNICIPAL CODE 10.40 - ACCESS TO PUBLIC RECORDS.

WHEREAS, access to public records regarding the operations of government allows citizens the opportunity to review the activities of their government; and,

WHEREAS, certain records may be exempted from disclosure as provided by state or federal law or regulation; and,

WHEREAS, the number of record requests processed by the City continues to increase annually; and,

WHEREAS, it is important to provide access to public records while balancing City resources; and,

WHEREAS, there are currently two separate parts of Kenai Municipal Code establishing the laws and regulations for access to public records; and,

WHEREAS, locating the applicable laws and regulations related to access to public records in one municipal code title provides clarity for the public and administration; and,

WHEREAS, it is in the best interest of the City and the public to clearly define the procedures for requests and responses to request for records in the custody of the city.

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

**Section 1.** Repeal of Public Records Inspection Regulations Appendices of Kenai Municipal Code: That Kenai Municipal Code Appendices - Public Record Inspection Regulations is hereby repealed in its entirety as follows:

**[1. FEES.**

**1.01 COPIES.**

THE FEE FOR COPYING PUBLIC RECORDS INCLUDING PAPER DOCUMENTS, AUDIO RECORDINGS, CASSETTES, AND COMPACT DISCS SHALL BE A PER COPY FEE AS SET FORTH IN THE CITY'S SCHEDULE OF FEES ADOPTED BY THE CITY COUNCIL. THE FIRST TEN (10) COPIES OF PAPER DOCUMENTS ARE FREE.

**1.02 CERTIFIED COPIES.**

THE FEE FOR A CERTIFIED COPY OF A DOCUMENT WILL BE THE CITY'S STANDARD CERTIFICATION FEE, PLUS THE STANDARD COPYING FEE, BOTH AS SET FORTH IN THE CITY'S SCHEDULE OF FEES ADOPTED BY THE CITY COUNCIL. ONLY THE CITY CLERK OR DEPUTY CITY CLERK WILL CERTIFY DOCUMENTS.

**1.03 PRODUCTION FEE.**

IF THE PRODUCTION OF RECORDS FOR ONE REQUESTOR IN A CALENDAR MONTH EXCEEDS FIVE (5) PERSON HOURS, THE REQUESTOR MUST PAY A PRODUCTION FEE. THE PRODUCTION FEE WILL BE THE CITY EMPLOYEE'S

ACTUAL SALARY, PLUS BENEFIT COSTS, FOR THE TIME REQUIRED OVER FIVE (5) HOURS DURING THE MONTH TO SEARCH, REVIEW, AND COPY THE RECORDS. IF MULTIPLE CITY EMPLOYEES COMPILE THE REQUESTED RECORDS, A COMPOSITE HOURLY RATE FOR ALL EMPLOYEES INVOLVED WILL BE DETERMINED AND A CREDIT FOR FIVE (5) HOURS AT THAT RATE WILL BE APPLIED. THE PRODUCTION FEE WILL BE IN ADDITION TO THE STANDARD COPYING FEE.

EXAMPLE OF COMPOSITE RATE CALCULATION IS:

EMPLOYEE A	15 HOURS	@ \$50/HOUR	=	\$750.00
EMPLOYEE B	4 HOURS	@ \$75/HOUR	=	\$ 300.00
EMPLOYEE C	2 HOURS	@ \$35/HOUR	=	\$ 70.00
TOTALS	21 HOURS			\$1,120.00

$\$1,120 \div 21$  (TOTAL HOURS) = \$53.33 (COMPOSITE RATE)

$\$1,120 - (\$53.33 \times 5$  FREE HOURS) = \$ 853.35 TO BE PAID BY FOIA REQUESTOR

**1.04 ESTIMATE AND ADVANCE PAYMENT.**

IF A PRODUCTION FEE IS REQUIRED OR ANTICIPATED UNDER SECTION 1.03, THE CITY STAFF WILL PREPARE AN ESTIMATE OF THE PRODUCTION FEE AND COPYING FEE THAT ARE EXPECTED TO RESULT FROM PRODUCING THE REQUESTED RECORDS. THE REQUESTOR MUST DEPOSIT THE ESTIMATED PRODUCTION AND COPYING FEES IN ADVANCE OF THE SEARCH. IF THE ACTUAL PRODUCTION AND COPYING FEES ARE LESS THAN THE ESTIMATE, THE REQUESTOR WILL BE GIVEN A REFUND OF THE DIFFERENCE. IF THE ACTUAL PRODUCTION AND COPYING FEES ARE GREATER THAN THE ESTIMATE, THE RECORDS WILL NOT BE RELEASED TO THE REQUESTOR UNTIL THE REQUESTOR PAYS THE DIFFERENCE.

**1.05 INSPECTION ONLY.**

THERE WILL BE NO FEE FOR SIMPLE INSPECTION OF RECORDS, EXCEPT WHEN THE PRODUCTION OF THE RECORDS FOR INSPECTION BY ONE REQUESTOR IN A CALENDAR MONTH EXCEEDS FIVE (5) PERSON-HOURS. IN THAT CASE, THE REQUESTOR WILL BE REQUIRED TO PAY THE PRODUCTION FEE AS DESCRIBED IN SECTION 1.03.

**1.06 INDIGENCY.**

IF A PERSON IS UNABLE TO PAY A FEE, AND SIGNS AN AFFIDAVIT TO THE EFFECT THAT HE OR SHE IS INDIGENT, THEN THE CITY CLERK WILL WAIVE THE COPYING FEE AND PRODUCTION FEE, EXCEPT WHEN THE CITY CLERK, BASED UPON RELIABLE INFORMATION, DETERMINES THE AFFIDAVIT OF INDIGENCY IS MADE IN BAD FAITH OR FRAUDULENTLY.

ANNUAL INCOME AS A PERCENT OF CURRENT HEALTH AND HUMAN SERVICES (HHS) POVERTY GUIDELINES FOR ALASKA	PERCENT OF FEE REDUCED
1—100%	100% WAIVER
101—149%	75% WAIVER
150—174%	50% WAIVER
175—199%	25% WAIVER
200% PLUS	NO WAIVER

AN APPLICATION FOR INDIGENCY MAY BE FILED WITH THE CITY CLERK FOR WAIVING OR PARTIALLY WAIVING THE COSTS OF RECORD REPRODUCTION. THE CITY CLERK MAY ALLOW AN APPLICANT, WHO QUALIFIES AS AN INDIGENT, A REDUCED RECORD REPRODUCTION FEE, A PAYMENT PLAN OR A WAIVER OF THE FILING FEE WHERE THE CITY CLERK IS ABLE TO MAKE A WRITTEN FINDING, BASED ON INFORMATION PROVIDED BY THE APPLICANT THAT PAYMENT OF THE RECORD REPRODUCTION FEE WOULD BE A FINANCIAL HARDSHIP. BASED UPON THE INFORMATION PROVIDED, THE FEE MAY BE REDUCED OR WAIVED IN ACCORDANCE WITH THE ABOVE SCALE. AS REQUIRED BY AS 40.25.110, ANY FEE WAIVER OR REDUCTION MUST BE UNIFORMLY APPLIED TO PERSONS WHO ARE SIMILARLY SITUATED.

**2. REQUIREMENTS FOR PUBLIC RECORD REQUESTS—APPROVALS AND DENIALS.**

**2.01 CITY CLERK APPROVAL.**

ACCORDING TO KENAI MUNICIPAL CODE, CHAPTER 10.40, ALL REQUESTS FOR PUBLIC INFORMATION OR RECORDS ARE TO BE APPROVED BY THE CITY CLERK, AFTER CONSULTATION WITH THE CITY MANAGER AND CITY ATTORNEY. (SEE REGULATION 5.01.) THE CITY CLERK, OR DESIGNEE, WILL, CONSISTENT WITH THE ORDERLY CONDUCT OF CITY BUSINESS, MAKE A GOOD FAITH AND DILIGENT EFFORT TO PROVIDE A RAPID AND INTELLIGIBLE RESPONSE TO REQUESTS FOR INSPECTION OF RECORDS.

**2.02 ROUTINE REQUESTS.**

ROUTINE REQUESTS FOR INSPECTION OR COPYING OF RECORDS MAY BE APPROVED (BUT NOT DENIED) AND RESPONDED TO BY THE CITY CLERK, DEPUTY CITY CLERK, OR THE DEPARTMENT HEAD OF THE DEPARTMENT IN WHICH THE RECORDS ARE LOCATED. THEY MAY ACT AS THE CITY CLERK’S DESIGNEE FOR THE APPROVAL OF ROUTINE REQUESTS. FOR PURPOSES OF THESE REGULATIONS, A ROUTINE REQUEST IS A REQUEST FOR RECORDS THAT ARE CLEARLY TO BE MADE AVAILABLE TO THE PUBLIC, AND WHICH CAN BE RESPONDED TO QUICKLY WITHOUT A SUBSTANTIAL AMOUNT OF EFFORT OR TIME BY THE CITY STAFF. ROUTINE REQUESTS MAY BE SUBMITTED ORALLY OR IN WRITING.

**2.03 NON-ROUTINE REQUESTS.**

NON-ROUTINE REQUESTS FOR INSPECTION OR COPYING OF RECORDS MUST BE MADE IN WRITING AND REFERRED TO THE CITY CLERK FOR APPROVAL OR DISAPPROVAL. NON-ROUTINE REQUESTS INCLUDE, BUT ARE NOT LIMITED TO, REQUESTS FOR RECORDS THAT ARE OR MIGHT BE EXEMPT FROM DISCLOSURE, REQUESTS THAT WILL OR MIGHT BE DENIED FOR ANY REASON, REQUESTS THAT WILL TAKE MORE THAN ONE (1) PERSON-HOUR OF STAFF TIME TO RESPOND, AND REQUESTS FROM A PERSON INVOLVED IN LITIGATION WITH THE CITY.

**2.04 AGGREGATION OF CERTAIN REQUESTS.**

IF THE CITY CLERK, BASED ON RELIABLE INFORMATION, AFTER CONSULTATION WITH THE CITY ATTORNEY, DETERMINES ONE (1) OR MORE INDIVIDUALS HAVE MADE ONE (1) OR MORE REQUESTS FOR PUBLIC RECORDS ON BEHALF OF ANOTHER PERSON OR GROUP FOR THE PURPOSE OF DIVIDING A REQUEST INTO SMALLER PARTS TO AVOID THE PAYMENT OF A PRODUCTION FEE (FOR PRODUCTION OF RECORDS REQUIRING MORE THAN FIVE (5) PERSON-HOURS OF STAFF TIME PER MONTH), THE CITY CLERK WILL AGGREGATE ALL SUCH REQUESTS AND TREAT THEM AS ONE (1) REQUEST MADE BY PERSON.

**2.05 BAD FAITH AFFIDAVIT OF INDIGENCY.**

IF THE CITY CLERK, BASED ON RELIABLE INFORMATION, AFTER CONSULTATION WITH THE CITY ATTORNEY, DETERMINES A PERSON HAS MADE AN AFFIDAVIT OF INDIGENCY IN BAD FAITH OR FRAUDULENTLY FOR THE PURPOSE OF AVOIDING PAYMENT OF PRODUCTION, COPYING, OR OTHER FEES, THE CITY CLERK WILL DENY THE WAIVER OF THE FEES.

**2.06 HARASSMENT REQUEST.**

IF THE CITY CLERK, IN GOOD FAITH, AFTER CONSULTATION WITH THE CITY ATTORNEY, REASONABLY DETERMINES A REQUEST FOR COPIES OR INSPECTION OF RECORDS IS NOT MADE IN GOOD FAITH, AND IS MADE FOR THE PURPOSE OF HARASSMENT OF THE CITY OR CITY OFFICIALS, OR TO PURPOSELY INTERFERE WITH THE ORDERLY CONDUCT OF CITY BUSINESS, THE CITY CLERK WILL DENY THE REQUEST. SUCH A DETERMINATION

WILL BE MADE ONLY AFTER NOTICE AND AN OPPORTUNITY FOR THE REQUESTOR TO BE HEARD BY THE CITY CLERK.

**2.07 DESCRIPTION OF RECORDS REQUESTED.**

A REQUESTOR MUST DESCRIBE THE RECORDS SOUGHT IN SUFFICIENT DETAIL TO ENABLE THE CITY TO LOCATE AND IDENTIFY THE RECORDS SOUGHT. IF THE RECORDS ARE DESCRIBED BY THE REQUESTOR IN GENERAL TERMS, THE CITY STAFF SHALL ATTEMPT TO COMMUNICATE WITH THE REQUESTOR TO IDENTIFY THE RECORDS REQUESTED AND LESSEN THE ADMINISTRATIVE BURDEN OF PROCESSING AN OVERLY BROAD REQUEST. IF THE REQUEST IS NOT SUFFICIENT TO ALLOW THE STAFF TO IDENTIFY THE REQUESTED RECORDS, THE REQUESTOR SHALL BE NOTIFIED PROMPTLY BY THE CITY CLERK, THE REQUEST CANNOT BE APPROVED OR PROCESSED UNTIL A SUFFICIENT DESCRIPTION OF THE RECORD IS RECEIVED.

**3. TIME AND PLACE OF INSPECTION.**

**3.01 ROUTINE REQUESTS.**

A ROUTINE REQUEST FOR RECORDS WILL BE RESPONDED TO PROMPTLY AT THE OFFICE WHERE THE RECORDS ARE KEPT, OR ANOTHER CITY OFFICE IF MORE CONVENIENT TO THE CITY, DURING BUSINESS HOURS AT A TIME THAT DOES NOT INTERFERE WITH THE ORDERLY CONDUCT OF CITY BUSINESS. IF THE RECORDS CANNOT BE PRODUCED WITHIN FIVE (5) WORKING DAYS, THE REQUESTOR WILL BE ADVISED.

**3.02 NON-ROUTINE REQUESTS.**

RECORDS IN RESPONSE TO AN APPROVED NON-ROUTINE REQUEST WILL BE MADE AVAILABLE FOR INSPECTION OR COPYING AT CITY HALL, UNDER THE DIRECTION OF THE CITY CLERK OR THE CITY CLERK'S DESIGNEE. FOR THE CONVENIENCE OF THE CITY, THE CITY CLERK MAY DESIGNATE AN INSPECTION LOCATION ELSEWHERE IN THE CITY. THE TIME FOR INSPECTION WILL BE DURING BUSINESS HOURS. THE CITY CLERK WILL ADVISE THE REQUESTOR OF THE SPECIFIC TIME AND DATE ON WHICH THE INSPECTION MAY OCCUR. IF, AND TO THE EXTENT NECESSARY TO MAINTAIN THE ORDERLY CONDUCT OF CITY BUSINESS, THE CITY CLERK MAY LIMIT THE DAYS AND HOURS WHEN INSPECTION AND COPYING OF PUBLIC RECORDS MAY OCCUR.

**3.03 LARGE REQUESTS.**

IF A REQUEST IS MADE FOR INSPECTION OR COPYING OF A LARGE VOLUME OF PUBLIC RECORDS, THE CITY CLERK, AFTER CONSULTATION WITH THE CITY ATTORNEY, MAY REQUIRE THE REQUESTOR TO MAKE A WRITTEN DESIGNATION OF THE ORDER IN WHICH THE REQUESTOR WANTS THE RECORDS PRODUCED. WHEN SUCH ORDER IS DESIGNATED BY THE REQUESTOR, THE CITY WILL ATTEMPT TO PRODUCE THE RECORDS IN THAT ORDER. REQUESTS FOR INSPECTION OR COPYING OF A LARGE VOLUME OF PUBLIC RECORDS, OR REQUESTS THAT WILL REQUIRE THE CITY TO SEARCH OR REVIEW A LARGE VOLUME OF PUBLIC RECORDS, WILL BE RESPONDED AS CITY STAFF TIME PERMITS. THE ORDERLY CONDUCT OF CITY BUSINESS WILL NOT BE INTERRUPTED TO MAKE FAST RESPONSE TO SUCH A REQUEST. IT IS REASONABLE THE MAKER OF SUCH A LARGE REQUEST SHOULD EXPECT AN EXTENDED TIME FOR RESPONSE. THE CITY CLERK WILL ADVISE THE REQUESTOR OF THE ESTIMATED TIME IN WHICH THE RESPONSE WILL BE MADE.

**4. FORM OF RECORDS PRODUCED.**

**4.01 FORM OF RECORDS.**

THE RECORDS OF THE CITY WILL NORMALLY BE MADE AVAILABLE FOR INSPECTION OR COPYING IN THE FORMAT IN WHICH THE CITY MAINTAINS OR DISSEMINATES THE RECORDS. EXACT REPRODUCTION IS NOT REQUIRED, BUT ANY ALTERATION OF THE FORM OR MEDIUM OF PUBLIC RECORDS MUST NOT CHANGE THE SUBSTANTIVE CONTENT OF THE INFORMATION, AND IF THE ACTUAL CONTENT IS CHANGED, THE NATURE OF THE CHANGE AND THE REASON FOR THE CHANGE WILL BE COMMUNICATED TO THE REQUESTOR.

**4.02 SUMMARIZATION OR MANIPULATION OF RECORDS.**

THE CITY IS NOT REQUIRED TO COMPILE OR SUMMARIZE ITS RECORDS IN RESPONSE TO A REQUEST FOR INFORMATION. THE CITY IS NOT REQUIRED TO MANIPULATE ITS DATA TO CREATE NEW RECORDS IN RESPONSE TO A REQUEST FOR INFORMATION.

**4.03 PARTIALLY DISCLOSABLE RECORDS.**

IF PUBLIC RECORDS CONTAIN INFORMATION THAT IS DISCLOSABLE IN PART AND NON-DISCLOSABLE IN PART, THE NON-DISCLOSABLE INFORMATION SHALL BE REMOVED PRIOR TO DISCLOSURE.

**5. WRITTEN DETERMINATIONS AND APPEALS.**

**5.01 WRITTEN RESPONSE.**

IF THE CITY CLERK, AFTER CONSULTATION WITH THE CITY ATTORNEY AND CITY MANAGER, MAKES AN ADVERSE DETERMINATION, IN WHOLE OR IN PART, TO A WRITTEN PUBLIC RECORDS REQUEST, THE CITY CLERK WILL PROVIDE A WRITTEN RESPONSE SETTING FORTH THE ADVERSE DETERMINATION. IT WILL INCLUDE A DESCRIPTION OF THE RECORDS REQUESTED, A DESCRIPTION OF THE RECORDS THAT WILL NOT BE PROVIDED, AND THE REASONS FOR THE ADVERSE DETERMINATION, INCLUDING REFERENCE TO PROVISIONS OF LAW OR REGULATIONS, FACTS, AND OTHER INFORMATION RELIED UPON. THE CITY CLERK’S WRITTEN RESPONSE WILL ALSO INCLUDE A NOTICE THE REQUESTOR HAS A RIGHT TO APPEAL TO THE CITY COUNCIL.

**5.02 RESPONSE TO ORAL REQUESTS.**

ORAL REQUESTS MAY BE ACCEPTED FOR A ROUTINE REQUEST. ORAL REQUESTS FOR RECORDS WILL NOT BE ACCEPTED FOR A NON-ROUTINE REQUEST OR RECEIVE A WRITTEN RESPONSE FROM THE CITY CLERK UNLESS THE REQUESTOR IS UNABLE TO MAKE A WRITTEN REQUEST BECAUSE OF INABILITY TO WRITE OR BECAUSE OF MENTAL OR PHYSICAL DISABILITY. IN THAT CASE, THE CITY STAFF WILL ASSIST THE REQUESTOR IN MAKING A REQUEST THAT WILL BE RESPONDED TO AND TREATED AS A WRITTEN REQUEST FOR ALL PURPOSES UNDER THESE REGULATIONS.

**5.03 WHEN NO RESPONSE IS DEEMED DENIAL.**

IF THE REQUESTOR RECEIVES NO RESPONSE TO A WRITTEN REQUEST FOR RECORDS WITHIN FIVE (5) WORKING DAYS OF MAKING THAT REQUEST, THE REQUESTOR MAY FILE WITH THE CITY CLERK A WRITTEN DEMAND FOR A WRITTEN RESPONSE. IF THE CITY CLERK DOES NOT GIVE A WRITTEN RESPONSE TO THAT DEMAND WITHIN THREE (3) WORKING DAYS OF THE CITY CLERK’S RECEIPT OF THE DEMAND, THE REQUEST FOR RECORDS WILL BE DEEMED DENIED.

**5.04 APPEAL TO CITY COUNCIL.**

A DENIAL, IN WHOLE OR IN PART, A DEEMED DENIAL, OR ANY ADVERSE WRITTEN DETERMINATION BY THE CITY CLERK IN RESPONSE TO A WRITTEN REQUEST FOR PUBLIC RECORDS MAY BE APPEALED BY THE REQUESTOR TO THE CITY COUNCIL. AN APPEAL MUST BE FILED IN WRITING AT THE OFFICE OF THE CITY CLERK WITHIN THIRTY (30) DAYS OF THE DATE THE DECISION WAS MAILED TO THE REQUESTOR. THE CITY COUNCIL WILL HEAR THE APPEAL AND ISSUE A WRITTEN DECISION WITHIN THIRTY (30) DAYS OF THE DATE THE APPEAL WAS FILED AT THE OFFICE OF THE CITY CLERK. THERE SHALL BE NO FILING FEE FOR THE APPEAL TO THE CITY COUNCIL.

**5.05 APPEAL TO SUPERIOR COURT.**

A FINAL DECISION OF THE CITY COUNCIL ON AN APPEAL FROM A DECISION OF THE CITY CLERK MAY BE FURTHER APPEALED TO THE SUPERIOR COURT. SUCH AN APPEAL MUST BE MADE UNDER THE COURT RULES OF PROCEDURE GOVERNING APPEALS TO THE SUPERIOR COURT.]

**Section 2.** Repeal of Section 10.40 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 10.40 - Release of Public Records is hereby repealed in its entirety as follows:

**[CHAPTER 10.40  
RELEASE OF PUBLIC RECORDS**

**10.40.010 INTENT.**

IT IS THE INTENTION OF THE CITY TO PROVIDE ACCESS OF THE PUBLIC TO MUNICIPAL RECORDS AND INFORMATION CONSISTENT WITH THE ALASKA PUBLIC RECORDS ACT, SO THAT THE PEOPLE OF THE CITY MAY BE WELL INFORMED AT ALL TIMES AS TO MUNICIPAL BUSINESS. WITH THE EXCEPTION OF THE SPECIFIC EXEMPTIONS SET FORTH UNDER SECTION 10.40.040, ALL INFORMATION AND RECORDS IN THE CONTROL OF THE MUNICIPALITY SHALL BE MADE AVAILABLE TO THE PUBLIC UPON REQUEST.

**10.40.020 DEFINITIONS.**

FOR THE PURPOSES OF THIS CHAPTER:

- (A) "MUNICIPAL AGENCY" MEANS ANY DEPARTMENT, DIVISION, BOARD, COMMISSION OR PRIVATE CONTRACTOR, OF THE CITY, WHICH HAS CUSTODY OF PUBLIC RECORDS AS DEFINED IN THIS CHAPTER.
- (B) "PUBLIC RECORDS" MEAN BOOKS, PAPERS, FILES, ACCOUNTS, WRITINGS, INCLUDING DRAFTS AND MEMORIALIZATIONS OF CONVERSATIONS, AND OTHER ITEMS, REGARDLESS OF FORMAT OR PHYSICAL CHARACTERISTICS, THAT ARE DEVELOPED OR RECEIVED BY THE CITY OR A MUNICIPAL AGENCY AND THAT ARE PRESERVED FOR THEIR INFORMATIONAL VALUE OR AS EVIDENCE OF THE ORGANIZATION OR OPERATION OF THE CITY; "PUBLIC RECORDS" DOES NOT INCLUDE PROPRIETARY SOFTWARE PROGRAMS.

**10.40.030 INFORMATION AVAILABLE TO THE PUBLIC.**

EXCEPT AS PROVIDED BY SECTION 10.40.040, OR BY OTHER PROVISIONS OF MUNICIPAL, STATE OR FEDERAL LAW, ALL PUBLIC RECORDS SHALL BE OPEN TO INSPECTION BY ANY PERSON SUBJECT TO REGULATIONS REGARDING THE TIME, PLACE AND MANNER OF INSPECTION WHICH MAY BE ADOPTED BY THE CITY COUNCIL PURSUANT TO SECTION 10.40.050. DOCUMENTS ARE NOT REQUIRED TO BE CREATED IN ORDER TO COMPLY WITH AN INFORMATION REQUEST, BUT WILL BE PROVIDED FROM DOCUMENTS/INFORMATION THAT ALREADY EXISTS. THE TYPES OF RECORDS AND INFORMATION OPEN TO PUBLIC INSPECTION PURSUANT TO THIS CHAPTER SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

- (A) FINANCIAL AND OPERATIONAL COST INFORMATION, INCLUDING INFORMATION AS TO REVENUES, EXPENDITURES, INDEBTEDNESS, FORMAL DEPARTMENTAL RECOMMENDATIONS IN REGARD TO PROJECT PRIORITY, AND AFTER BUDGET FINALIZATION, DEPARTMENT BUDGET REQUESTS;
- (B) INFORMATION RELATING TO CONTRACTS TO WHICH THE MUNICIPALITY IS A PARTY, INCLUDING PAYMENT PROVISIONS, INFORMATION RELATING TO BIDS AND REQUESTS FOR PROPOSALS RECEIVED OR SOLICITED BY THE MUNICIPALITY, AND INFORMATION RELATING TO THE STATUS OF GOODS OR SERVICES FURNISHED PURSUANT TO CONTRACT;
- (C) REGULATORY, FINANCIAL ASSESSMENT AND TAX INFORMATION CONCERNING REAL PROPERTY LOCATED WITHIN THE MUNICIPALITY;
- (D) COMPENSATION LEVELS AND FRINGE BENEFITS ACCORDED MUNICIPAL OFFICERS AND EMPLOYEES BY LAW, INCLUDING INFORMATION IN REGARD TO THE PAY RANGE AND STEP GRADE OF AN EMPLOYEE OR OFFICER AND STATISTICAL ANALYSES OR COMPILATIONS RELATING TO MUNICIPAL PRACTICES AND POLICIES CONCERNING COMPENSATION FOR VARIOUS OCCUPATIONAL GROUPS, DEPARTMENTS AND DIVISIONS;
- (E) STATISTICAL INFORMATION AND ANALYSES CONCERNING CASE LOADS, NUMBERS AND CATEGORIES OF PERSONS FOR WHOM SERVICES WERE PERFORMED OR TREATMENT PROVIDED, RESULTS ACHIEVED AND PER PATIENT AND PER UNIT COST; AND
- (F) FEASIBILITY, MANAGEMENT, COST EFFECTIVENESS AND SIMILAR REPORTS PREPARED BY THE MUNICIPALITY WITH MUNICIPAL MONEYS.

THE FOREGOING ENUMERATION OF INFORMATION AVAILABLE FOR PUBLIC INSPECTION IS NOT DESIGNED TO LIMIT THE CATEGORIES OF RECORDS AND INFORMATION THAT SHALL BE MADE AVAILABLE TO THE PUBLIC PURSUANT TO THIS CHAPTER. THE POLICY OF PROVIDING PUBLIC ACCESS TO PUBLIC INFORMATION SHALL BE BROADLY AND LIBERALLY CONSTRUED.



**10.40.040 RECORDS EXEMPTED.**

THE CITY SHALL NOT BE REQUIRED TO RELEASE OR DISCLOSE THE FOLLOWING DOCUMENTS OR RECORDS:

- (A) COMMUNICATIONS OF ANY KIND BETWEEN THE MUNICIPAL ATTORNEY AND OFFICERS OR EMPLOYEES OF THE CITY, OR ANY OTHER INDIVIDUAL, FIRM OR CORPORATION CONTAINING A LEGAL OPINION, MEMORANDUM OR OTHER DISCLOSURE OR INFORMATION PERTAINING TO ANY MATTER THEN IN LITIGATION OR WHERE LITIGATION MAY BE REASONABLY ANTICIPATED. THIS EXEMPTION DOES NOT EXTEND, HOWEVER, TO ANY DOCUMENTS, RECORDS OR OTHER WRITTEN COMMUNICATION THAT MAY HAVE BEEN MADE PUBLIC PRIOR TO THE COMMENCEMENT OF LITIGATION AND PUBLIC RECORDS WHICH MUST OTHERWISE BE DISCLOSED CANNOT BE WITHHELD ON THE GROUNDS THAT THEY HAVE BEEN SUBMITTED TO THE MUNICIPAL ATTORNEY;
- (B) ALL PERSONNEL RECORDS OF CITY OFFICERS AND EMPLOYEES, INCLUDING, WITHOUT LIMITATION, EMPLOYMENT APPLICATIONS, EXAMINATION MATERIALS, AND PERFORMANCE EVALUATIONS, RECORDS THAT REVEAL MEDICAL INFORMATION ABOUT ANY SPECIFIC INDIVIDUAL; RECORDS THAT REVEAL THE PERSONAL, INTIMATE, OR PRIVATE LIFE OF AN INDIVIDUAL; AND, IN ADDITION, ANY RECORD THE DISCLOSURE OF WHICH WOULD CONSTITUTE AN UNWARRANTED INVASION OF PRIVACY; BUT THIS SUBJECTION DOES NOT PROTECT FROM DISCLOSURE THE FOLLOWING:
  - (1) EMPLOYMENT APPLICATIONS OF CITY OFFICIALS APPOINTED BY THE CITY COUNCIL,
  - (2) EMPLOYMENT APPLICATIONS OF THE DIRECTOR OF EACH DEPARTMENT OF THE CITY,
  - (3) PERFORMANCE EVALUATIONS OF CITY OFFICIALS APPOINTED BY THE CITY COUNCIL TO THE EXTENT THE PERFORMANCE EVALUATIONS RELATE TO THE INDIVIDUAL'S JOB PERFORMANCE AND DO NOT IMPUGN AN INDIVIDUAL'S HONESTY, INTEGRITY, OR MORALITY OUTSIDE OF PROFESSIONAL LIFE,
  - (4) THE NAMES AND POSITION TITLES OF ALL CITY EMPLOYEES,
  - (5) THE CURRENT AND PRIOR POSITIONS HELD BY A CITY EMPLOYEE,
  - (6) THE DATES OF APPOINTMENT AND SEPARATION OF A CITY EMPLOYEE, AND
  - (7) THE RECORDS DESCRIBED IN SECTION 10.40.030(D).

IN THE EVENT OF A REQUEST FOR DISCLOSURE OF ITEMS DESCRIBED IN SUBPARTS 1, 2, AND 3 OF THIS SUBSECTION, THE CITY MANAGER, CITY OFFICIALS AND DIRECTORS WILL BE NOTIFIED AT LEAST TWO (2) DAYS PRIOR TO RELEASE OF SUCH RECORDS AND MAY APPEAL THE DECISION UNDER KMC 10.40.060.

- (C) RECORDS OR INFORMATION COMPILED FOR LAW ENFORCEMENT PURPOSES, BUT ONLY TO THE EXTENT THE PRODUCTION OF THE LAW ENFORCEMENT RECORDS OR INFORMATION:
  - (1) COULD REASONABLY BE EXPECTED TO INTERFERE WITH ENFORCEMENT PROCEEDINGS,
  - (2) WOULD DEPRIVE A PERSON OF A RIGHT TO A FAIR TRIAL OR AN IMPARTIAL ADJUDICATION,
  - (3) COULD REASONABLY BE EXPECTED TO CONSTITUTE AN UNWARRANTED INVASION OF THE PERSONAL PRIVACY OF SUSPECT, DEFENDANT, VICTIM, OR WITNESS,
  - (4) COULD REASONABLY BE EXPECTED TO DISCLOSE THE IDENTITY OF A CONFIDENTIAL SOURCE,
  - (5) WOULD DISCLOSE CONFIDENTIAL TECHNIQUES AND PROCEDURES FOR LAW ENFORCEMENT INVESTIGATIONS OR PROSECUTIONS,
  - (6) WOULD DISCLOSE GUIDELINES FOR LAW ENFORCEMENT INVESTIGATIONS OR PROSECUTIONS IF THE DISCLOSURE COULD REASONABLY BE EXPECTED TO RISK CIRCUMVENTION OF THE LAW, OR
  - (7) COULD REASONABLY BE EXPECTED TO ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL;
- (D) INFORMATION SUCH AS NAME, ADDRESS, ETC., THAT WOULD IDENTIFY COMPLAINANTS IN ACTIONS TO ENFORCE ANY CITY REGULATION OR ORDINANCE, EXCEPT AS SUCH DISCLOSURE MAY BECOME NECESSARY TO A FAIR AND JUST DISPOSITION OF THE ENFORCEMENT PROCEEDING;

- (E) RECORDS HELD BY THE CITY CONCERNING ANY CUSTOMER USING MUNICIPAL SERVICES, RELEASE OF WHICH WOULD BE UNWARRANTED INVASION OF PRIVACY;
- (F) ENGINEERING OR OTHER TECHNICAL SPECIFICATIONS OR DATA WHICH MIGHT PROVIDE A COMPETITIVE ADVANTAGE TO ANY PERSON, FIRM, OR CORPORATION ENGAGED OR POTENTIALLY TO BE ENGAGED IN MUNICIPAL BUSINESS;
- (G) INFORMATION OBTAINED BY AND IN THE CUSTODY OF INSURANCE CARRIERS INSURING THE MUNICIPALITY AND THEIR ATTORNEYS AND AGENTS REGARDING POSSIBLE AND PENDING CLAIMS AGAINST THE MUNICIPALITY;
- (H) MEDICAL AND RELATED PUBLIC HEALTH RECORDS;
- (I) RECORDS PERTAINING TO JUVENILES UNLESS DISCLOSURE IS AUTHORIZED BY LAW;
- (J) RECORDS REQUIRED TO BE KEPT CONFIDENTIAL BY LAW;
- (K) ANY RECORD, NONDISCLOSURE OF WHICH IS AUTHORIZED BY A VALID ALASKA OR FEDERAL STATUTE OR REGULATION, OR BY A PRIVILEGE, EXEMPTION, OR PRINCIPLE RECOGNIZED BY THE COURTS, OR BY A PROTECTIVE ORDER AUTHORIZED BY LAW; AND
- (L) SALES TAX INFORMATION EXCLUDED FROM DISCLOSURE BY KP.B 5.18.040 AS AMENDED.

**10.40.050 REGULATION OF TIME, PLACE AND MANNER OF INSPECTION OF PUBLIC RECORDS.**

THE CITY COUNCIL SHALL ADOPT REGULATIONS AS TO THE TIME, PLACE, AND MANNER OF INSPECTION OF PUBLIC RECORDS HELD BY THE MUNICIPALITY. SUCH REGULATIONS MAY ALSO PROVIDE:

- (A) THAT A FEE MAY BE REQUIRED. THE FEE SHALL NOT EXCEED THE ACTUAL COST TO PRODUCE THE INFORMATION REQUESTED. IN THE EVENT THE PERSON IS UNABLE TO PAY ANY REQUESTED FEE, AND SIGNS AN AFFIDAVIT TO THE EFFECT THAT HE OR SHE IS INDIGENT, THERE WILL BE NO COST TO THE ABOVE-DESCRIBED PERSON. SEE APPENDIX, PUBLIC RECORD INSPECTIONS REGULATIONS, SECTION 1.06.
- (B) THE FORM IN WHICH THE SPECIFIC DOCUMENTS SHALL BE MADE AVAILABLE. DOCUMENTS NEED NOT BE REPRODUCED IN THE EXACT FORM OR MEDIUM IN WHICH THEY ARE STORED. HOWEVER, ANY ALTERATION OF THE FORM OR MEDIUM OF PUBLIC RECORD SHALL NOT CHANGE THE SUBSTANTIVE CONTENT OF THE INFORMATION CONTAINED IN THE PUBLIC RECORD. WHEN THE ACTUAL CONTENT IS CHANGED, THE NATURE OF THE CHANGE AND WHY IT WAS NECESSARY SHALL BE COMMUNICATED TO THE REQUESTOR.

REGULATIONS ADOPTED PURSUANT TO THIS SECTION SHALL BE POSTED IN A CONSPICUOUS MANNER AT CITY HALL.

**10.40.060 RESPONSE TO REQUESTS FOR PUBLIC RECORDS.**

ALL REQUESTS FOR PUBLIC INFORMATION OR RECORDS SHALL BE APPROVED BY THE CITY CLERK. THE CITY CLERK, OR DESIGNEE SHALL, CONSISTENT WITH THE ORDERLY CONDUCT OF MUNICIPAL BUSINESS, MAKE A GOOD FAITH AND DILIGENT EFFORT TO PROVIDE A RAPID AND INTELLIGIBLE RESPONSE TO REQUESTS FOR INSPECTION OF RECORDS MADE PURSUANT TO THIS CHAPTER. TO EFFECT THIS POLICY, THE FOLLOWING GUIDELINES ARE ADOPTED:

- (A) INFORMATION PURSUANT TO THIS CHAPTER SHALL BE FURNISHED PROMPTLY TO THE REQUESTING PARTY UNLESS THE INFORMATION REQUESTED IS DECLARED PRIVILEGED OR CONFIDENTIAL PURSUANT TO APPLICABLE FEDERAL, STATE OR MUNICIPAL LAW. IF THE CITY CLERK OR DESIGNEE CONSIDERS THE INFORMATION TO BE PRIVILEGED, AFTER CONSULTATION WITH THE CITY ATTORNEY, HE OR SHE SHALL PREPARE A SLIP SETTING FORTH THE DATE, THE ITEM OF INFORMATION REQUESTED, THE SPECIFIC PROVISION OF APPLICABLE STATE, FEDERAL OR MUNICIPAL LAW EXEMPTING THE REQUESTED INFORMATION FROM DISCLOSURE. A COPY OF THIS SLIP SHALL BE PROVIDED TO THE PARTY REQUESTING THE INFORMATION.

- (B) A DECISION REGARDING A REQUEST FOR INFORMATION OR INSPECTION OF PUBLIC RECORDS MAY BE APPEALED TO THE CITY COUNCIL AND A WRITTEN REPLY WILL BE GIVEN WITHIN SEVEN (7) WORKING DAYS FROM THE COUNCIL'S CONSIDERATION THEREOF EITHER GRANTING OR DENYING THE APPEAL. AN APPEAL FROM THE DECISION OF THE COUNCIL SHALL BE TO THE SUPERIOR COURT.
- (C) ALL REQUESTS FOR RECORDS AND INFORMATION MADE PURSUANT TO THIS CHAPTER SHALL BE RESPONDED TO WITHIN A REASONABLE TIME PERIOD. IF THE RECORDS AND INFORMATION CANNOT BE LOCATED IN TIME TO MAKE A RESPONSE WITHIN FIVE (5) WORKING DAYS OF THE REQUEST, THE REQUESTING PARTY SHALL BE PROMPTLY ADVISED, AND, IF THE REQUESTING PARTY STILL DESIRES THE INFORMATION OR RECORDS, A REASONABLE AND DILIGENT SEARCH SHALL CONTINUE.
- (D) IF A REQUEST IS DEEMED NON-ROUTINE OR LARGE, WRITTEN NOTIFICATION WILL BE MADE TO THE REQUESTOR WITHIN FIVE (5) WORKING DAYS WITH AN ESTIMATE OF PRODUCTION COSTS PURSUANT TO KMC 10.40.060(c) AND APPENDIX, PUBLIC RECORD INSPECTIONS REGULATIONS, REGULATION 1, FEES.]

**Section 3.** Enactment of Section of Kenai Municipal Code: That Kenai Municipal Code, Chapter 10.40 - Access to Public Records is hereby re-enacted as follows:

### **Chapter 10.40 - Access to Public Records**

#### **10.40.010 Purpose and Intent.**

The purpose of this chapter is to establish uniform procedures to ensure that requests for public records are handled in a timely, reasonable and responsive manner. It is the intention of the City that all disclosable public records will be made available upon request and in compliance with the requirements of Alaska Statutes and this chapter, subject to exceptions, exemptions and upon payment of applicable fees provided in this chapter or otherwise provided by law.

#### **10.40.020 Definitions.**

For the purpose of this chapter:

- (a) "Business Day" means every day except Saturday, Sunday or a holiday recognized by the City, and is calculated by excluding the first day and including the last day, unless the last day is a Saturday, Sunday or holiday.
- (b) "Certified Copy" means a copy of a document certified as correct by the City Clerk.
- (c) "City" means any department, division, board, or commission which has custody of a public record as defined in this chapter.
- (d) "Emergency Services Department Records" means records related to the unique functions of the Fire or Police Department, which include but are not limited to fire incidents, emergency medical services, public safety, investigations, and law enforcement.
- (e) "Harassment Request" means a request not made in good faith, and is made for the purpose of harassment of the City or City officials, or to purposely interfere with the orderly conduct of City business.
- (f) "Non-Routine Request" means but is not limited to a request for records that are or might be exempt from disclosure, requests that will or might be denied for any reason, requests that will take substantial staff time to respond, and requests from a person involved in litigation with the City.
- (g) "Proprietary Information" means information regarding techniques, methods, strategies or other unique data in which a valuable property interest may be established or which may be used by person or entity for a competitive advantage.

- (h) "Public Record" means items, regardless of format or physical characteristics that are developed or received by the City that are preserved for their informational value or as evidence of the organization or operation of the City; "public records" or "records" does not include proprietary software programs.
- (i) "Routine Request" means a request for records that are clearly to be made available to the public, and which can be responded to quickly without a substantial amount of effort or time by the City staff.

**10.40.030 Records Available to the Public and Format.**

- (a) Unless provided otherwise by law or regulation, public records of the City are open to inspection by the public subject to any applicable fees and regulations regarding the time, place and manner of inspection as provided in 10.40.060.
- (b) The City is not required to manipulate data to create new records in response to a request for public records, nor is the City required to compile or summarize records in response to a request for information.
- (c) Except as otherwise provided by law, if the request is for a public record that contains confidential information or non-disclosable information, the confidential or non-disclosable information will be redacted before the record is provided.
- (d) Records will normally be made available in the format in which the City maintains or disseminates records. Exact reproduction will not be required, but any alteration of the form or medium of the record must not change the substantive content of the information, and if the content is changed, the nature of the change and the reason for the change will be communicated to the requestor.
- (e) When providing records by electronic services or products, the City will ensure that access to confidential information and proprietary software is protected.

**10.40.040 Form of Request.**

- (a) This section applies to all requests, except for requests processed under 10.40.050.
- (b) Requests for the inspection or copying of records will be made in writing on a form provided by the City Clerk. The City Clerk will maintain a log of all requests for the disclosure of public records, the log will include the date and time of the request and fee charged, if any. If a requester is unable to complete the form due to a physical or mental disability, the City Clerk or designee will either assist the requester in completing the written form or treat the requester's oral request as a written request.
- (c) Description of Record: A requestor must describe the records sought in sufficient detail to enable the City to locate and identify the records sought. If the records are described by the requestor in general terms, the city staff will attempt to communicate with the requestor to identify the records requested and lessen the administrative burden of processing an overly broad request. If the city staff is unable to communicate with the requestor and the request is not sufficient to allow the staff the ability to identify the requested records, the requestor will be notified within 10 business days after receipt of the request by the City Clerk, that the request cannot be approved or processed until a sufficient description of the record is received.
- (d) Aggregation of Certain Requests: If the City Clerk, based on reliable information, after consultation with the City Attorney, determines one or more individuals have made one or more requests for public records on behalf of another person or group for the purpose of dividing a request into smaller parts to avoid payment of production fee (for production of records requiring more than five hours of staff time per month), the City Clerk will aggregate all such requests and treat them as one request.
- (e) Harassment Requests: If the City Clerk, in good faith, after consultation with the City Attorney, reasonably determines the request is a harassment request as defined by this chapter, the City Clerk will deny the request. Such a determination will be made only after notice and an opportunity for the requestor to be heard by the City Clerk.

**10.40.050 Response by Department.**

- (a) Requests for Emergency Services Department records as defined by this chapter may be processed by the director of the department or director's designee. Nothing in this chapter will prevent the director or designee from consulting with the City Attorney and/or the City Manager prior to making a determination.
- (b) Routine requests for records as defined by this chapter may be processed by the director of the department or director's designee in which the records are located and may be submitted orally or in writing.

  - (1) Routine requests do not include requests for records that might be exempt from disclosure, requests that will or might be denied for any reason, requests that will take substantial staff time to respond to, or requests from a person involved in litigation with the City. If it is determined that a request being processed under this section is not a routine request, the request will be transferred to the City Clerk for processing.

**10.40.060 Regulation of Time, Place and Manner of Inspection.**

- (a) Routine Requests. Will be responded to promptly at the office where the records are kept, or another City office if more convenient to the City, during business hours at a time that does not interfere with the orderly conduct of City business.
- (b) Non-Routine Requests. Records in response to an approved non-routine request will be made available for inspection or copying at City Hall, under the direction of the City Clerk or designee. For the convenience of the City, the City Clerk may designate an inspection location elsewhere in the City. The time for inspection will be during business hours. The City Clerk will advise the requestor of the specific times and dates on which the inspection may occur. If, and to the extent necessary to maintain the orderly conduct of city business, the City Clerk may limit the days and hours when inspection and copying of public records may occur.
- (c) Large Requests. If a request is made for inspection or copying of a large volume of public records, the City Clerk, after consultation with the City Attorney, may require the requestor to make a written designation of the order in which the requestor wants the records produced. When such order is designated by the requestor, the City will attempt to produce the records in that order. Requests for inspection or copying of a large volume of public records, or requests that will require the City to search or review a large volume of public records, will be responded as City staff time permits. The City Clerk will advise the requestor of the estimated time in which the response will be made.

**10.40.070 Litigation Disclosure.**

If a person requesting inspection of city records is involved in litigation, or an appeal involving the City or a City agency in any judicial or administrative forum, the disclosure of records used for, included in, or relevant to that litigation, proceeding or appeal is governed by the rules or orders of that forum, and not by this chapter. In this section, "involved in litigation" means being a party to litigation, or appeal, or representing a party, including any person obtaining records on behalf of the party.

**10.40.080 Response to Request for Public Records.**

- (a) Non-routine requests for public records will be approved or denied by the City Clerk or designee. Nothing in this chapter will prevent the City Clerk or designee from consulting with the City Attorney and/or the City Manager prior to making a determination.
- (b) Non-routine requests will be referred to the division or department head responsible for those records. The department head or designee will, consistent with the orderly conduct of City business, make a good faith and reasonable effort to locate records that are adequately identified in the request, and return the located records to the City Clerk.

- (1) If the record is subject to inspection under this chapter and is readily available, the City Clerk or designee will permit the requester to inspect the record or, within ten business days of receipt of the request, provide the requester with a copy of the City record upon receipt of any applicable fees.
  - (2) If a record is not subject to inspection, within ten business days of receipt of the request the City Clerk will state in writing that the records is not subject to inspection, providing an explanation and/or the City, State or Federal law that authorizes or requires the withholding of the City record from inspection.
  - (3) If the request is deemed non-routine, large and is not immediately available or staff resources of the City are not sufficient to respond to the request, within ten business days of the receipt of the request, the City Clerk will furnish a written acknowledgment of the receipt of such request and a statement of the approximate date the records will be available and an estimate of any applicable fees, which will be reasonable under the circumstances of the request.
- (d) Original records will not leave the custody of the City.

**10.40.090 Fees for copying search and production.**

- (a) Copying fee. The fee for copying public records including paper documents, audio/video recordings, and digital records will be a per copy fee as set forth in the City's schedule of fees adopted by the City Council. The first ten copies of paper documents are free.
- (b) Certified copy fee. The fee for a certified copy of a document will be as set forth in the City's schedule of fees adopted by the City Council, plus any applicable copying, searching and production fees.
- (c) Search and production fee. Except as otherwise provided, if the search and production of a record for one requestor in a calendar month exceeds five-person hours, the requestor must pay all costs associated with the search and production of the record, for the time required over five hours. The search and production fee will be the equivalent of the actual salary plus benefits for the time spent by the City staff to search and produce the records. The search and production fee will be in addition to the copying fee.
- (d) Electronic services and products. The fee for electronic services and products will be based on recovery of the actual incremental costs of providing the electronic services and products, and a reasonable portion of the costs associated with building and maintaining the information system of the City.
- (e) Payment of applicable fees.
  - (1) The requester will pay all fees before the records are disclosed, except the City Clerk may waive this requirement in accordance with KMC 10.40.100.
  - (2) Payments may be required in advance of the search and production of records when it is reasonably believed that the search and production will require more than five hours to complete and will generate a fee under this section that is not waivable under KMC 10.40.100.

**10.40.100 Waiver and Reductions in Fees.**

- (a) The fees required by this chapter may be waived by the City Clerk:
  - (1) In the case of indigency; or
  - (2) If the City Clerk finds the records or electronic services and products are to be used for a public purpose.
- (b) Fee reductions and waivers will be uniformly applied among persons who are similarly situated.

(c) Fee reduction in the case of indigency. If a person is unable to pay a fee and signs an affidavit on a form provided by the City Clerk to that effect, the City Clerk will waive all or part of the applicable fees in accordance with the table below. No waiver or reduction will be granted if the City Clerk after consultation with the City Attorney finds, based upon reliable information that the affidavit of indigency was made fraudulently or in bad faith.

<u>Annual Income as a Percent of Current Health and Human Services (HHS) Poverty Guidelines of Alaska</u>	<u>Percent of Fee Reduced</u>
<u>1 - 100%</u>	<u>100% Waiver</u>
<u>101 - 149%</u>	<u>75%</u>
<u>150 - 174%</u>	<u>50%</u>
<u>175 - 199%</u>	<u>25%</u>
<u>200% plus</u>	<u>No Waiver</u>

**10.40.110 Denial.**

- (a) A request for public records may be denied if any one of the following provisions are applicable:
- (1) The record is not known to exist after a diligent search is made for it;
  - (2) The record is not in the City’s possession and remains unknown or outside of the City’s control;
  - (3) The record has been destroyed in accordance with an applicable records-retention schedule; or,
  - (4) Nondisclosure of the record is authorized by Federal or State Law or regulation.
- (b) A denial under this section is the final administrative order for purpose of appeal. The denial must be in writing, must state the basis and reason for the denial. A denial must further state that the requester may obtain judicial review by appealing the denial to the Superior Court.

**10.40.120 Appeal**

The final administrative order may be appealed to the Superior Court. Such an appeal must be made under the court rules of procedure governing appeals to the Superior Court.

**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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 20<sup>TH</sup> DAY OF DECEMBER, 2023.

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Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk

Introduced:	November 15, 2023
Enacted:	December 20, 2023
Effective:	January 19, 2024



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Vice Mayor Baisden  
**FROM:** Shellie Saner, City Clerk  
**DATE:** August 17, 2023  
**SUBJECT:** **Ordinance No. 3381-2023** - Repealing Municipal Code Appendices - Public Records Inspection Regulations, Repealing Kenai Municipal Code Chapter 10.40 - Release of Public Records and Enacting Kenai Municipal Code 10.40 - Access to Public Records.

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The Ordinance as proposed would delete the public records inspection regulations from the appendices of Kenai Municipal Code (KMC), repeal Chapter 10.40 - Release of Public Records and Enact a new Chapter 10.40 - Access to Public Records. This would place rules and regulations related to accessing City of Kenai public records into one location within municipal code.

Attached to this Ordinance are copies of the current KMC Chapter 10.40 and the current Appendices, both of which include comments identifying where or how each section was or was not included in the proposed new chapter.

The following information further explains the changes within the new chapter.

- ❖ **10.40.010 Purpose and Intent.** Previously this section was titled “Intent” the proposed amendment includes a sentence identifying the purpose for the chapter and the intent section was rewritten.
- ❖ **10.40.020 Definitions.** The definition section was expanded to include definitions for Business Day, Certified Copy, Emergency Services Department Records, Harassment Request, Non-Routine Request, Proprietary Information, and Routine Requests. The definition for Municipal Agency was changed to City and the definition for Public Record was modified and no longer lists the different forms of records, instead states “information regardless of format or physical characteristics”.

There are three sections in the current appendices which are now included in the definitions: Routine Requests, Non-Routine Requests and Harassment Request. Having these three types of requests included in the definitions, allowed the proposed new chapter to address each type in different sections, for example the regulations for time, place and manner of inspection differs between a Routine and Non-Routine request and the regulations for response to a request will vary when it’s a non-routine request versus a routine request.

- ❖ **10.40.030 Records Available to the Public and Format.** Previously titled Information Available to the Public. The previous section listed six specific record types that were available, which did not identify all records that are available. The six listed were not records that would have been exempt from disclosure and listing them out was not necessary.

This new chapter was also modified to include the following sections from the appendices: 4.01 Form of Record; 4.02 Summarization of manipulations of records; 4.03 Partially disclosable records

- ❖ **[10.40.040 RECORDS EXEMPTED.]** The previous section 10.40.040 Records Exempted was listed out specific records that were exempt from disclosure. This information was left out of the new chapter. In multiple sections of the new chapter, there are references that records will be disclosed unless otherwise provided by law. If a request for a record were denied the new section 10.40.110 requires that a denial must be in writing and must state the basis and reason for the denial, the basis would include the reference to the local, federal or state law that exempts the record.
- ❖ **10.40.040 Form of Request.** The new section 10.40.040 incorporates and modifies the following sections that were previously in the Appendices: 2.03 Non-Routine Requests; 2.04 Aggregation of Certain Requests; 2.06 Harassment Requests; and 2.07 Description of Records Requested.
- ❖ **10.40.050 Response by Department.** This is a new section of code which addresses the following:
 

The previous code and appendices did not capture how requests for Emergency Services Department records are currently processed by the City; and, due to the unique functions of law enforcement and emergency services these requests are processed by the department. Paragraph (a) of this new section codifies the current practices.

Routine Requests were previously included in the Appendices section 2.02. Paragraph's (b) and (b)(1) of the new section incorporates and modifies the previous version.
- ❖ **10.40.060 Regulation of Time, Place and Manner of Inspection of Public Records.** This section was previously 10.40.050 and established that the council shall adopt regulations as to the time, place and manner of inspection; that fees may be required; and the rules related to the format of the record produced. The regulations as required in the previous chapter were adopted in the appendices as: 3.01 Routine Requests; 3.02 Non-Routine Requests; 3.03 Large Request. These three sections of the appendices were included in the new chapter 10.40.060. Fee requirements were included in the new section 10.40.100; and the regulations regarding the format of the records produced was included in the new section 10.40.030(d)
- ❖ **10.40.070 Litigation Disclosure.** This section is new and was included based on the Alaska Administrative Code 2 AAC 96.220 and Alaska Statutes 40.25.122.
 

This new section was included to address the State of Alaska regulations requiring when a person is involved in litigation, the records sought shall be disclosed in accordance with the rules of procedure applicable in a court or an administrative adjudication.
- ❖ **10.40.080 Response to a Request for Public Records.** This section was previously 10.40.060 and has been modified substantially, the following identifies the more substantial changes:
  1. Previously applied to all requests for public records, which conflicted with the appendices with regards to Routine Requests. The new section only applies to Non-Routine Requests. Responses to Routine Requests are established in the section 10.40.050.
  2. Previously allowed appeals to the City Council regarding the approval or denial of the release of a record and the City Council's decision was appealable to the Superior Court. Provisions allowing appeals to the City Council were omitted and provisions allowing appeal to the Superior Court were included in the new section 10.40.110 (b).
 

Removal of the provisions allowing appeals to the City Council was based on the specific State and Federal Laws and rules which regulate records which are open to the public and records that are protected. If a record is withheld, the decision to withhold the record would be based on a provision of law protecting that record and the release of such a record could present a liability to the City.
  3. Previously required a response within five working days. The required days for response was increased to 10 days, and provisions were included in the definitions to establish how days are calculated.

The number of days required for response were increased to address several issues, such as the increased volume of records being requested as well as the increased number of staff hours being utilized to address public records request. 2 AAC 96.325 establishes that no later than 10 working days the agency will provide the records, or advise the requestor the record is non-disclosable, or extend the 10-day response time by providing notice to the requester stating the reason and the date when the records will be disclosed.

- ❖ **10.40.090 Fees for Copying, Search and Production.** This section incorporated the following sections of the Appendices: 1.01 Copies; 1.02 Certified Copies; 1.03 Production Fee; and 1.04 Estimate and Advance Payment. Production fee was expanded to include search fees as well. This is intended to clarify that when responding to a request for public records the search time and production time are both accounted for when establishing the staff time spent on requests for records.
- ❖ **10.40.100 Waiver and Reductions in Fees.** This section incorporates 1.06 Indigency from the appendices and includes new language which aligns with AS 40.25.110 (d) and allows the fees to be waived if the records are to be used for a public purpose. This section also incorporates Appendices 2.05 Bad Faith of Affidavit of Indigency.
- ❖ **10.40.110 Denial.** This section was expanded to include reasons why a request may be denied and incorporates in part the previous Appendices section 5.01 Written Response.
- ❖ **10.40.120 Appeal.** As explained earlier in the memo appeals to the City Council were removed, this new section establishes that the decision may be appealed to the Superior Court.
- ❖ **Appendices 1.05 Inspection Only.** This section was left out entirely, a request for a record regardless if it were for inspection or copies would be handled in the same manner and incur the same search and possibly production fees.
- ❖ **Appendices 5.02 Response to Oral Requests.** This section was left out, only routine requests may be made orally. If the department were not able to fill an oral request, the requestor would be referred to the Clerk's Office and the request would then become a Non-Routine written request.
- ❖ **Appendices 5.03 When no Response is Deemed Denial.** This section was left out, denial procedures in the new section 1.40.110 require a written denial from the Clerk.

*The following information is the current section of Kenai Municipal Code, Chapter 10.40 - Release of Public Records. The notes to the right indicate where or how these sections were or were not incorporated into the proposed new code.*

## Chapter 10.40

### 10.40.010 Intent.

It is the intention of the City to provide access of the public to municipal records and information consistent with the Alaska Public Records Act, so that the people of the City may be well informed at all times as to municipal business. With the exception of the specific exemptions set forth under Section [10.40.040](#), all information and records in the control of the municipality shall be made available to the public upon request.

**Commented [SS1]:** This section was substantially rewritten as 10.40.010 in the proposed new code.

### 10.40.020 Definitions.

For the purposes of this chapter:

- (a) "Municipal agency" means any department, division, board, commission or private contractor, of the City, which has custody of public records as defined in this chapter.
- (b) "Public records" mean books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by the City or a municipal agency and that are preserved for their informational value or as evidence of the organization or operation of the City; "public records" does not include proprietary software programs.

**Commented [SS2]:** This section was expanded to include additional definitions as 10.40.020 in the proposed new code.

**Commented [SS3]:** Changed to "City"

**Commented [SS4]:** Modified to exclude the list of record types, replaced with "means items, regardless of format or physical characteristics"

### 10.40.030 Information available to the public.

Except as provided by Section [10.40.040](#), or by other provisions of municipal, State or Federal law, all public records shall be open to inspection by any person subject to regulations regarding the time, place and manner of inspection which may be adopted by the City Council pursuant to Section [10.40.050](#). Documents are not required to be created in order to comply with an information request, but will be provided from documents/information that already exists. The types of records and information open to public inspection pursuant to this chapter shall include, but shall not be limited to, the following:

- (a) Financial and operational cost information, including information as to revenues, expenditures, indebtedness, formal departmental recommendations in regard to project priority, and after budget finalization, department budget requests;
- (b) Information relating to contracts to which the municipality is a party, including payment provisions, information relating to bids and requests for proposals received or solicited by

**Commented [SS5]:** This section was not included. The new section intended to replace it is 10.40.030 and does not include an itemized list of records.

the municipality, and information relating to the status of goods or services furnished pursuant to contract;

(c) Regulatory, financial assessment and tax information concerning real property located within the municipality;

(d) Compensation levels and fringe benefits accorded municipal officers and employees by law, including information in regard to the pay range and step grade of an employee or officer and statistical analyses or compilations relating to municipal practices and policies concerning compensation for various occupational groups, departments and divisions;

(e) Statistical information and analyses concerning case loads, numbers and categories of persons for whom services were performed or treatment provided, results achieved and per patient and per unit cost; and

(f) Feasibility, management, cost effectiveness and similar reports prepared by the municipality with municipal moneys.

The foregoing enumeration of information available for public inspection is not designed to limit the categories of records and information that shall be made available to the public pursuant to this chapter. The policy of providing public access to public information shall be broadly and liberally construed.

#### **10.40.040 Records exempted.**

The City shall not be required to release or disclose the following documents or records:

(a) Communications of any kind between the municipal attorney and officers or employees of the City, or any other individual, firm or corporation containing a legal opinion, memorandum or other disclosure or information pertaining to any matter then in litigation or where litigation may be reasonably anticipated. This exemption does not extend, however, to any documents, records or other written communication that may have been made public prior to the commencement of litigation and public records which must otherwise be disclosed cannot be withheld on the grounds that they have been submitted to the municipal attorney;

(b) All personnel records of City officers and employees, including, without limitation, employment applications, examination materials, and performance evaluations, records that reveal medical information about any specific individual; records that reveal the personal, intimate, or private life of an individual; and, in addition, any record the disclosure of which would constitute an unwarranted invasion of privacy; but this subsection does not protect from disclosure the following:

- (1) Employment applications of City officials appointed by the City Council,
- (2) Employment applications of the director of each department of the City,

**Commented [SS6]:** This section was omitted. Instead of listing certain types of records exempted, in the Denial Section 10.40.110, it states a request may be denied if nondisclosure of the record is authorized by a Federal or State Law or regulation.

- (3) Performance evaluations of City officials appointed by the City Council to the extent the performance evaluations relate to the individual's job performance and do not impugn an individual's honesty, integrity, or morality outside of professional life,
- (4) The names and position titles of all City employees,
- (5) The current and prior positions held by a City employee,
- (6) The dates of appointment and separation of a City employee, and
- (7) The records described in Section [10.40.030\(d\)](#).

In the event of a request for disclosure of items described in subparts 1, 2, and 3 of this subsection, the City Manager, City officials and directors will be notified at least two (2) days prior to release of such records and may appeal the decision under KMC [10.40.060](#).

- (c) Records or information compiled for law enforcement purposes, but only to the extent the production of the law enforcement records or information:
- (1) Could reasonably be expected to interfere with enforcement proceedings,
  - (2) Would deprive a person of a right to a fair trial or an impartial adjudication,
  - (3) Could reasonably be expected to constitute an unwarranted invasion of the personal privacy of suspect, defendant, victim, or witness,
  - (4) Could reasonably be expected to disclose the identity of a confidential source,
  - (5) Would disclose confidential techniques and procedures for law enforcement investigations or prosecutions,
  - (6) Would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law, or
  - (7) Could reasonably be expected to endanger the life or physical safety of an individual;
- (d) Information such as name, address, etc., that would identify complainants in actions to enforce any City regulation or ordinance, except as such disclosure may become necessary to a fair and just disposition of the enforcement proceeding;

- (e) Records held by the City concerning any customer using municipal services, release of which would be unwarranted invasion of privacy;
- (f) Engineering or other technical specifications or data which might provide a competitive advantage to any person, firm, or corporation engaged or potentially to be engaged in municipal business;
- (g) Information obtained by and in the custody of insurance carriers insuring the municipality and their attorneys and agents regarding possible and pending claims against the municipality;
- (h) Medical and related public health records;
- (i) Records pertaining to juveniles unless disclosure is authorized by law;
- (j) Records required to be kept confidential by law;
- (k) Any record, nondisclosure of which is authorized by a valid Alaska or Federal statute or regulation, or by a privilege, exemption, or principle recognized by the courts, or by a protective order authorized by law; and
- (l) Sales tax information excluded from disclosure by KPB 5.18.040 as amended.

(Ord. 2396-2009)

**10.40.050 Regulation of time, place and manner of inspection of public records.**

The City Council shall adopt regulations as to the time, place, and manner of inspection of public records held by the municipality. Such regulations may also provide:

- (a) That a fee may be required. The fee shall not exceed the actual cost to produce the information requested. In the event the person is unable to pay any requested fee, and signs an affidavit to the effect that he or she is indigent, there will be no cost to the above-described person. See Appendix, Public Record Inspections Regulations, Section 1.06.
- (b) The form in which the specific documents shall be made available. Documents need not be reproduced in the exact form or medium in which they are stored. However, any alteration of the form or medium of public record shall not change the substantive content of the information contained in the public record. When the actual content is changed, the nature of the change and why it was necessary shall be communicated to the requestor.

**Commented [SS7]:** Substantially modified in proposed 10.40.060 to include the regulations which were adopted by council and included in the Appendices.

**Commented [SS8]:** Fees are established in proposed 10.40.090 and indigency was included in 10.40.100

**Commented [SS9]:** This information was incorporated into the proposed 10.40.030

Regulations adopted pursuant to this section shall be posted in a conspicuous manner at City Hall.

(Ord. 2396-2009)

#### **10.40.060 Response to requests for public records.**

**Commented [SS10]:** Rewritten as proposed 10.40.080

All requests for public information or records shall be approved by the City Clerk. The City Clerk, or designee shall, consistent with the orderly conduct of municipal business, make a good faith and diligent effort to provide a rapid and intelligible response to requests for inspection of records made pursuant to this chapter. To effect this policy, the following guidelines are adopted:

(a) Information pursuant to this chapter shall be furnished promptly to the requesting party unless the information requested is declared privileged or confidential pursuant to applicable Federal, State or municipal law. If the City Clerk or designee considers the information to be privileged, after consultation with the City Attorney, he or she shall prepare a slip setting forth the date, the item of information requested, the specific provision of applicable State, Federal or municipal law exempting the requested information from disclosure. A copy of this slip shall be provided to the party requesting the information.

(b) A decision regarding a request for information or inspection of public records may be appealed to the City Council and a written reply will be given within seven (7) working days from the Council's consideration thereof either granting or denying the appeal. An appeal from the decision of the Council shall be to the Superior Court.

(c) All requests for records and information made pursuant to this chapter shall be responded to within a reasonable time period. If the records and information cannot be located in time to make a response within five (5) working days of the request, the requesting party shall be promptly advised, and, if the requesting party still desires the information or records, a reasonable and diligent search shall continue.

(d) If a request is deemed non-routine or large, written notification will be made to the requestor within five (5) working days with an estimate of production costs pursuant to KMC [10.40.060\(c\)](#) and Appendix, Public Record Inspections Regulations, Regulation 1, Fees.

(Ord. 2396-2009)



The following information is the current section of the Kenai Municipal Code, Appendices on Public Records Inspections. The notes to the right indicate where or how these sections were or were not incorporated into the proposed new code:

## PUBLIC RECORD INSPECTIONS REGULATIONS

### 1. FEES.

#### 1.01 Copies.

The fee for copying public records including paper documents, audio recordings, cassettes, and compact discs shall be a per copy fee as set forth in the City's schedule of fees adopted by the City Council. The first ten (10) copies of paper documents are free. (Ord. 2396-2009; Res. 2011-12)

**Commented [SS1]:** Modified version included in 10.40.090(a)

#### 1.02 Certified copies.

The fee for a certified copy of a document will be the City's standard certification fee, plus the standard copying fee, both as set forth in the City's schedule of fees adopted by the City Council. Only the City Clerk or Deputy City Clerk will certify documents. (Ord. 2396-2009; Res. 2011-12)

**Commented [SS2]:** Modified version included in 10.40.090(b)

#### 1.03 Production fee.

If the production of records for one requestor in a calendar month exceeds five (5) person hours, the requestor must pay a production fee. The production fee will be the City employee's actual salary, plus benefit costs, for the time required over five (5) hours during the month to search, review, and copy the records. If multiple City employees compile the requested records, a composite hourly rate for all employees involved will be determined and a credit for five (5) hours at that rate will be applied. The production fee will be in addition to the standard copying fee.

**Commented [SS3]:** Modified to include search fees and included in 10.40.090(c)

The composite rate calculation table was omitted.

Example of composite rate calculation is:

Employee A	15 hours	@ \$50/hour	=	\$750.00
Employee B	4 hours	@ \$75/hour	=	\$ 300.00
Employee C	2 hours	@ \$35/hour	=	\$ 70.00
<b>Totals</b>	21 hours			\$1,120.00

\$1,120 ÷ 21 (total hours) = \$53.33 (composite rate)

\$1,120 - (\$53.33 x 5 free hours) = \$ 853.35 to be paid by FOIA Requestor (Ord. 2396-2009)

**1.04 Estimate and advance payment.**

**Commented [SS4]:** Modified in proposed 10.40.090 (e)

If a production fee is required or anticipated under Section 1.03, the City staff will prepare an estimate of the production fee and copying fee that are expected to result from producing the requested records. The requestor must deposit the estimated production and copying fees in advance of the search. If the actual production and copying fees are less than the estimate, the requestor will be given a refund of the difference. If the actual production and copying fees are greater than the estimate, the records will not be released to the requestor until the requestor pays the difference. (Ord. 2396-2009)

**1.05 Inspection only.**

**Commented [SS5]:** Inspection only was omitted. The new proposed code does not identify the difference between request to inspect vs requested copies, all fees are applied equally related search and production.

There will be no fee for simple inspection of records, except when the production of the records for inspection by one requestor in a calendar month exceeds five (5) person-hours. In that case, the requestor will be required to pay the production fee as described in Section 1.03. (Ord. 2396-2009)

**1.06 Indigency.**

**Commented [SS6]:** Modified and included in proposed 10.40.100 (c)

If a person is unable to pay a fee, and signs an affidavit to the effect that he or she is indigent, then the City Clerk will waive the copying fee and production fee, except when the City Clerk,

based upon reliable information, determines the affidavit of indigency is made in bad faith or fraudulently.

<b>Annual Income as a Percent of Current Health and Human Services (HHS) Poverty Guidelines for Alaska</b>	<b>Percent of Fee Reduced</b>
1—100%	100% Waiver
101—149%	75% Waiver
150—174%	50% Waiver
175—199%	25% Waiver
200% plus	No Waiver

An application for indigency may be filed with the City Clerk for waiving or partially waiving the costs of record reproduction. The City Clerk may allow an applicant, who qualifies as an indigent, a reduced record reproduction fee, a payment plan or a waiver of the filing fee where the City Clerk is able to make a written finding, based on information provided by the applicant that payment of the record reproduction fee would be a financial hardship. Based upon the information provided, the fee may be reduced or waived in accordance with the above scale. As required by AS [40.25.110](#), any fee waiver or reduction must be uniformly applied to persons who are similarly situated. (Ord. 2396-2009)

## 2. REQUIREMENTS FOR PUBLIC RECORD REQUESTS—APPROVALS AND DENIALS.

### 2.01 City Clerk approval.

According to Kenai Municipal Code, Chapter [10.40](#), all requests for public information or records are to be approved by the City Clerk, after consultation with the City Manager and City Attorney. (See Regulation 5.01.) The City Clerk, or designee, will, consistent with the orderly conduct of City business, make a good faith and diligent effort to provide a rapid and intelligible response to requests for inspection of records. (Ord. 2396-2009)

**Commented [SS7]:** Modified as proposed 10.40.080(a)

### 2.02 Routine requests.

Routine requests for inspection or copying of records may be approved (but not denied) and responded to by the City Clerk, Deputy City Clerk, or the Department Head of the department in which the records are located. They may act as the City Clerk's designee for the approval of routine requests. For purposes of these regulations, a routine request is a request for records that are clearly to be made available to the public, and which can be responded to quickly without a substantial amount of effort or time by the City staff. Routine requests may be submitted orally or in writing. (Ord. 2396-2009)

**Commented [SS8]:** Routine request was included in the definitions and modified in proposed 10.40.050

### 2.03 Non-routine requests.

Non-routine requests for inspection or copying of records must be made in writing and referred to the City Clerk for approval or disapproval. Non-routine requests include, but are not limited to, requests for records that are or might be exempt from disclosure, requests that will or might be denied for any reason, requests that will take more than one (1) person-hour of staff time to respond, and requests from a person involved in litigation with the City. (Ord. 2396-2009)

**Commented [SS9]:** Non-Routine Request was included in definitions, there is no longer a specific section dedicated to it, instead it has been included where applicable in multiple sections:

10.40.060(b)  
10.40.080 (a), (b), (b)(3),

### 2.04 Aggregation of certain requests.

If the City Clerk, based on reliable information, after consultation with the City Attorney, determines one (1) or more individuals have made one (1) or more requests for public records on behalf of another person or group for the purpose of dividing a request into smaller parts to avoid the payment of a production fee (for production of records requiring more than five (5)

**Commented [SS10]:** Included as proposed 10.40.040(d)

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person-hours of staff time per month), the City Clerk will aggregate all such requests and treat them as one (1) request made by person. (Ord. 2396-2009)

**2.05 Bad faith affidavit of indigency.**

If the City Clerk, based on reliable information, after consultation with the City Attorney, determines a person has made an affidavit of indigency in bad faith or fraudulently for the purpose of avoiding payment of production, copying, or other fees, the City Clerk will deny the waiver of the fees. (Ord. 2396-2009)

**Commented [SS11]:** Modified and included in proposed 10.40.100 (c) *last sentence.*

**2.06 Harassment request.**

If the City Clerk, in good faith, after consultation with the City Attorney, reasonably determines a request for copies or inspection of records is not made in good faith, and is made for the purpose of harassment of the City or City officials, or to purposely interfere with the orderly conduct of City business, the City Clerk will deny the request. Such a determination will be made only after notice and an opportunity for the requestor to be heard by the City Clerk. (Ord. 2396-2009)

**Commented [SS12]:** Included in proposed 10.40.040 (e)

**2.07 Description of records requested.**

A requestor must describe the records sought in sufficient detail to enable the City to locate and identify the records sought. If the records are described by the requestor in general terms, the city staff shall attempt to communicate with the requestor to identify the records requested and lessen the administrative burden of processing an overly broad request. If the request is not sufficient to allow the staff to identify the requested records, the requestor shall be notified promptly by the City Clerk, the request cannot be approved or processed until a sufficient description of the record is received. (Ord. 2396-2009)

**Commented [SS13]:** Included in proposed 10.40.040(c)

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### 3. TIME AND PLACE OF INSPECTION.

#### 3.01 Routine requests.

A routine request for records will be responded to promptly at the office where the records are kept, or another City office if more convenient to the City, during business hours at a time that does not interfere with the orderly conduct of City business. If the records cannot be produced within five (5) working days, the requestor will be advised. (Ord. 2396-2009)

**Commented [SS14]:** Modified and included in proposed 10.40.050

#### 3.02 Non-routine requests.

Records in response to an approved non-routine request will be made available for inspection or copying at City Hall, under the direction of the City Clerk or the City Clerk's designee. For the convenience of the City, the City Clerk may designate an inspection location elsewhere in the City. The time for inspection will be during business hours. The City Clerk will advise the requestor of the specific time and date on which the inspection may occur. If, and to the extent necessary to maintain the orderly conduct of city business, the City Clerk may limit the days and hours when inspection and copying of public records may occur. (Ord. 2396-2009)

**Commented [SS15]:** Substantially modified in proposed 10.40.080 b 1-3

#### 3.03 Large requests.

If a request is made for inspection or copying of a large volume of public records, the City Clerk, after consultation with the City Attorney, may require the requestor to make a written designation of the order in which the requestor wants the records produced. When such order is designated by the requestor, the City will attempt to produce the records in that order. Requests for inspection or copying of a large volume of public records, or requests that will require the City to search or review a large volume of public records, will be responded as City staff time permits. The orderly conduct of City business will not be interrupted to make fast response to such a request. It is reasonable the maker of such a large request should expect an extended time for response. The City Clerk will advise the requestor of the estimated time in which the response will be made. (Ord. 2396-2009)

**Commented [SS16]:** Modified in 10.40.060 (c)

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## 4. FORM OF RECORDS PRODUCED.

### 4.01 Form of records.

The records of the City will normally be made available for inspection or copying in the format in which the City maintains or disseminates the records. Exact reproduction is not required, but any alteration of the form or medium of public records must not change the substantive content of the information, and if the actual content is changed, the nature of the change and the reason for the change will be communicated to the requestor. (Ord. 2396-2009)

**Commented [SS17]:** Modified, included in proposed 10.40.030

### 4.02 Summarization or manipulation of records.

The City is not required to compile or summarize its records in response to a request for information. The City is not required to manipulate its data to create new records in response to a request for information. (Ord. 2396-2009)

**Commented [SS18]:** Incorporated into proposed 10.40.030 (b)

### 4.03 Partially disclosable records.

If public records contain information that is disclosable in part and non-disclosable in part, the non-disclosable information shall be removed prior to disclosure. (Ord. 2396-2009)

**Commented [SS19]:** Modified and included in 10.40.030 (c)

## 5. WRITTEN DETERMINATIONS AND APPEALS.

### 5.01 Written response.

If the City Clerk, after consultation with the City Attorney and City Manager, makes an adverse determination, in whole or in part, to a written public records request, the City Clerk will provide a written response setting forth the adverse determination. It will include a description of the records requested, a description of the records that will not be provided, and the reasons for the adverse determination, including reference to provisions of law or regulations, facts, and other information relied upon. The City Clerk's written response will also include a notice the requestor has a right to appeal to the City Council. (Ord. 2396-2009)

**Commented [SS20]:** Modified and incorporated in proposed 10.40.110 b

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## 5.02 Response to oral requests.

Oral requests may be accepted for a routine request. Oral requests for records will not be accepted for a non-routine request or receive a written response from the City Clerk unless the requestor is unable to make a written request because of inability to write or because of mental or physical disability. In that case, the City staff will assist the requestor in making a request that will be responded to and treated as a written request for all purposes under these regulations. (Ord. 2396-2009)

Commented [SS21]: Included in proposed 10.40.040 (b)

## 5.03 When no response is deemed denial.

If the requestor receives no response to a written request for records within five (5) working days of making that request, the requestor may file with the City Clerk a written demand for a written response. If the City Clerk does not give a written response to that demand within three (3) working days of the City Clerk's receipt of the demand, the request for records will be deemed denied. (Ord. 2396-2009)

Commented [SS22]: Not included

## 5.04 Appeal to City Council.

A denial, in whole or in part, a deemed denial, or any adverse written determination by the City Clerk in response to a written request for public records may be appealed by the requestor to the City Council. An appeal must be filed in writing at the Office of the City Clerk within thirty (30) days of the date the decision was mailed to the requestor. The City Council will hear the appeal and issue a written decision within thirty (30) days of the date the appeal was filed at the Office of the City Clerk. There shall be no filing fee for the appeal to the City Council. (Ord. 2396-2009)

Commented [SS23]: Omitted

## 5.05 Appeal to Superior Court.

A final decision of the City Council on an appeal from a decision of the City Clerk may be further appealed to the Superior Court. Such an appeal must be made under the court rules of procedure governing appeals to the Superior Court. (Ord. 2396-2009)

Commented [SS24]: Included in proposed 10.40.120



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**The Kenai Municipal Code is current through Ordinance 3338-2023, passed March 15, 2023.**

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

[City Website: www.kenai.city](http://www.kenai.city)

[City Telephone: \(907\) 283-7535](tel:(907)283-7535)

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**CITY OF KENAI  
ORDINANCE NO. 3382-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE CHAPTER 7.05 TAXATION OF REAL AND PERSONAL PROPERTY TO PROVIDE AN EXEMPTION ON THE FIRST \$100,000 OF ASSESSED VALUATION OTHER THAN MOTOR VEHICLES AND WATERCRAFT OWNED BY EACH TAXPAYER AND MAKING HOUSEKEEPING CHANGES.

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WHEREAS, Kenai Municipal Code (KMC) 7.05 defines the City's taxation, as well as any exemptions to the taxation of real and personal property; and,

WHEREAS, Kenai Municipal Code currently requires all personal property, (except residential personal property) including aircraft, motor vehicles, and watercraft, be subject to taxation; and,

WHEREAS, motor vehicles are taxed by the State of Alaska through the vehicle registration process, and funds are remitted to the Kenai Peninsula Borough, which distributes the City's proportional share; and,

WHEREAS, a house keeping amendment to KMC Chapter 7.05 to clarify motor vehicle taxation is in the best interest of the City and its residents; and,

WHEREAS, the current business personal property tax is burdensome to many business owners within the City and is not consistent with neighboring communities; and,

WHEREAS, the Kenai Peninsula Borough and the City of Soldotna have a \$100,000 exemption for business personal property, excluding aircraft and watercraft, for each taxpayer; and,

WHEREAS, implementation of a \$100,000 exemption consistent with that of the Kenai Peninsula Borough and City of Soldotna will remove the reporting burden to many Kenai business, and the tax savings represent an investment by the City and its residents in the City's businesses; and,

WHEREAS, based on the current certified main role, it is estimated that exempting the first \$100,000 of business personal property, other than motor vehicles and watercraft, from property taxes would result in a maximum tax reduction of \$435 per business and an approximate \$35,000 loss in annual tax revenue to the City; and,

WHEREAS, the exemption of the first \$100,000 of business personal property other than aircraft, motor vehicles, and watercraft is in the best interests of the City of Kenai and its residents.

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

**Section 1.** Amendment of Section 7.05 of Kenai Municipal Code: That Kenai Municipal Code, Section 7.05-Taxation of Real and Personal Property, is hereby amended as follows:

## Chapter 7.05 TAXATION OF REAL AND PERSONAL PROPERTY

### 7.05.010 Property subject to taxation.

(a) All real and personal property not expressly exempt by law shall be subject to annual taxation at its full and true value based upon the actual value of the property assessed. This shall not apply to property subject to a flat tax and/or exempted from the ad valorem tax in this chapter.

(b) The rate of levy of tax shall be fixed by resolution of the City Council, but the aggregate thereof shall not exceed three percent (3%) of the assessed value of the property assessed.

[(C) IN ADDITION TO EXEMPTIONS PRESENTLY AUTHORIZED BY THE KENAI PENINSULA BOROUGH, THE INVENTORY OF A BUSINESS HELD FOR RESALE IN THE NORMAL COURSE OF THAT BUSINESS IS HEREBY CLASSIFIED AS PERSONAL PROPERTY EXEMPT FROM TAXATION FOR THE CITY OF KENAI.]

### 7.05.020 Assessment—Collection by Kenai Peninsula Borough.

The Kenai Peninsula Borough shall assess and collect all property taxes levied for City purposes on property within the boundaries of the City of Kenai [AS PROVIDED IN AS 07.15.320]. The procedures for assessment and collection shall be as provided by statutes of the State of Alaska.

### 7.05.030 Senior citizen's tax exemption.

The provisions of [AS 29.45.030] Alaska Statutes that set out mandatory Senior Citizen tax exemptions are hereby incorporated herein by reference as though set forth verbatim herein.

### 7.05.035 Community purposes exemption.

Property of an organization not organized for business or profit-making purposes and used exclusively for community purposes is exempt from taxation under this chapter. Property or a part of the property from which rentals or income are derived is not exempt from taxation unless the income derived from the rentals does not exceed the actual cost of the owner of the use by the renter.

### 7.05.036 Personal Property Tax Exemptions.

(a) The inventory of a business held for resale in the normal course of that business is hereby classified as personal property exempt from taxation for the City.

(b) The first \$100,000 of assessed valuation of personal property, other than aircraft, motor vehicles, and watercraft owned by each taxpayer shall be exempt from the levy on personal property within the City. For taxpayers with more than one personal property tax account, the \$100,000 exemption will be distributed pro rata amongst all of the taxpayer's accounts to the total assessed value of the taxpayer's personal property.

**7.05.040 Procedure for applying for exemption.**

The procedure for applying for the exemptions provided for herein in KMC 7.05.030 shall be accomplished as provided in applicable Alaska Statutes [AS 29.45.030].

**7.05.050 Direction to apply for State subsidy.**

[PURSUANT TO AS 29.45.030, A] A recovery of revenues lost through tax exemptions is provided for, and the administration is hereby directed to make such applications or take such actions as may be required in order to secure the reimbursement for revenues which may be lost.[BY AS 29.45.030].

**7.05.060 Exemption of State augmented.**

If a person qualifying for a[N] mandatory exemption from real property tax [PURSUANT TO **AS 29.53.020(a)**] does not receive an exemption of a value of two hundred fifty dollars (\$250.00), then the City shall exempt such person for taxes up to the total sum of two hundred fifty dollars (\$250.00).

**7.05.070 Disabled persons' exemption.**

One (1) piece of residential property owned and occupied by a citizen disabled within the meaning of the provisions of the U.S. Social Security Act and found to be totally disabled by administrators thereof, who is a resident of the City of Kenai, Alaska, shall be exempt from so much of such property tax levy by the City up to and including the sum of two hundred fifty dollars (\$250.00), providing such citizen is head of the household and providing that not more than one (1) exemption shall be allowed on any one (1) piece of real property. This exemption is not automatic, but must be applied for prior to the fifteenth day of January during the year that such citizen is qualified. The first year for qualification pursuant to this enactment shall be the calendar year 1973 and the deadline for applying shall be not later than the fifteenth day of January, 1973. Application shall be made in the same fashion as provided for senior citizens of sixty-five (65) years of age or more.

**7.05.075 Property tax credit—Residential sprinklers.**

- (a) *Credit.* The owner(s) of a newly constructed one- or two-family dwelling who installs, and/or has certified, a compliant sprinkler system by a qualified installer may receive a credit against the City of Kenai property taxes.
- (b) *Amount of Credit.* The credit allowed under this section for a residential sprinkler system is the lower of the eligible cost to the owner of the property for the installation of the system or two dollars (\$2.00) per square foot of the dwelling (excluding attached garages). “Eligible cost” means the cost of the sprinkler system including labor and materials required to comply with the minimum standard established by code.
- (c) *Carry Over.* The amount of credit in any tax year must not exceed the amount of the City of Kenai property tax imposed on the property benefitted by the credit in that tax year. Any amount of a credit not taken in the tax year in which an application is approved may be carried over in subsequent years until the full credit is granted.
- (d) *Application.*
  - (1) A property owner must submit an application for the tax credit to the Finance Department on or before the date that the Finance Department sets which date shall be no later than April 30 of each year. Applications filed after April 30, or applications that are incomplete as of the date set for filing by the Finance Department, will be retained and, once complete, evaluated for a tax credit for the next succeeding year.
  - (2) An application must:
    - (A) Be on the form that the City requires;
    - (B) Demonstrate that the taxpayer is entitled to the credit; and,
    - (C) Include a certificate of occupancy from the City of Kenai’s building official indicating that the system for which the credit is sought meets the requirements of the 2009 International Residential Building Code (or subsequent edition adopted by the City).
- (e) *Appeal.* If the tax credit is denied, or if less costs for the installation of the system are allowed than the applicant believes appropriate, the applicant may appeal that decision to the City Manager on a form provided by the City. Appeals shall be filed with the City Manager within fifteen (15) days of the date of any decision under this section. In reviewing an appeal, the City Manager shall consider whether the sprinkler system meets the requirements of this section; the costs were necessarily incurred to install the system in accordance with this section and applicable codes; and the application for the tax credit was timely filed.
- (f) The credit authorized by this section applies to any tax year beginning January 1, 2012.

**7.05.080 Personal property tax—Assessments—Aircraft.**

- (a) Purposes of taxation, aircraft that have been issued an N number by the Federal Aviation Administration (“FAA”) by January 1st of the tax year shall be totally exempted from ad valorem taxes and shall be taxed in accordance with the schedule at the end of this section.
- (b) The owner of record of an aircraft that has been dismantled, destroyed or crashed and the FAA N number has been retained by the aircraft’s owner of record may submit to the assessor on an approved form “Aircraft Statement of Condition” that would allow for ad valorem taxation of that aircraft if approved. Aircraft for which such registration or licensing has lapsed or that has not passed the annual inspection required by the FAA shall not qualify on this basis alone for ad valorem taxation unless it has been dismantled, destroyed or crashed.
- (c) Commercial aircraft operated under a regular schedule by a scheduled airline shall be exempt from the flat tax and shall be taxed on an ad valorem basis in accordance with the KPB landing schedule formula. The KPB landing schedule formula provides for the prorated calculation of scheduled aircraft by dividing the total hours per year into the total time aircraft operated by a scheduled carrier are in the KPB, and multiplying the result by the assessed value of each aircraft.
- (d) *Definitions.*
  - (1) “Aircraft” means any engine powered contrivance invented, used, or designed to navigate, or fly in, the air and that is capable of being manned and is required by the FAA to be registered and certified in order to be manned.
  - (2) “Aircraft engine” means an engine used, or intended to be used, to propel an aircraft, except the tail rotor of a helicopter.
  - (3) “Commercial aircraft” means any aircraft transporting passengers and/or cargo for some payment or other consideration, including money or services rendered.
  - (4) “Crashed” means aircraft for which only parts remain that, due to their condition, can no longer be assembled to create any contrivable aircraft. This shall be evidenced by a FAA accident report and/or copy of an insurance claim that determines the aircraft to be a total loss.
  - (5) “Destroyed” means aircraft that have been damaged by age, weather, neglect and/or external influences outside the owner’s control, and only unusable parts remain that, due to their condition can no longer be assembled to create any contrivable aircraft. This shall be evidenced by photographs and a physical inspection by the KPB Assessing staff appraiser if deemed necessary by the borough assessor.
  - (6) “Dismantled” means aircraft that have been voluntarily disassembled and only parts remain that can no longer be assembled to create any contrivable aircraft. Evidence such as

photographs and a physical inspection by the KPB Assessing staff appraiser shall be provided or allowed if deemed necessary by the borough assessor.

(7) “Scheduled airline.” A “scheduled airline” means any individual, partnership, corporation or association:

- (a) Engaged in air transportation under regular schedules to, over, away from, or within the U.S.; and
- (b) Holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity, issued by the Department of Transportation pursuant to 14 CFR Parts 201 and 213.

(e) An aircraft owner may appeal the determination of the borough assessor under this section using the procedures set out in KPB 5.12.050—060.

<b>AIRCRAFT FLAT TAX SCHEDULE BASED ON (MGWIL)</b>					
<b>Manufacturer’s Gross Weight with an Internal Load</b>					
<b>Fixed Wing</b>			<b>Rotorcraft/Rotary Wing</b>		
<b>Class</b>	<b>Weight</b>	<b>Annual Tax</b>	<b>Class</b>	<b>Weight</b>	<b>Annual Tax</b>
1	Less than 2,000 lbs	\$0	1	Less than 1,500 lbs	\$0
2	2,000 to less than 4,000 lbs	\$0	2	1,500 to less than 3,500 lbs	\$0
3	4,000 to less than 6,000 lbs	\$0	3	3,500 lbs or more in weight	\$0
4	6,000 to less than 12,500 lbs	\$0			
5	12,500 lbs or more in weight	\$0			

**7.05.090 Personal property tax—Assessments—Watercraft.**

(a) For purposes of taxation, watercraft for which the United States Coast Guard certificate of number, or U.S. or foreign documentation, or State of Alaska Department of Motor Vehicles boat registration, or a State of Alaska Department of Fish and Game number has been issued, or other form of maritime licensing have been issued by January 1st of the tax year shall be subject to ad valorem taxes of the City. This shall not apply to any class of watercraft exempted from the ad valorem tax in this chapter.

(b) For purposes of taxation, the City adopts the following classification schedule for watercraft based upon the overall length of the watercraft:

<b>Class</b>	<b>Overall Length</b>
1	Less than 15 feet
2	15 to less than 20 feet
3	20 to less than 25 feet
4	25 to less than 36 feet
5	36 to less than 60 feet
6	60 to less than 100 feet
7	100 or more feet in length

(c) For purposes of taxation Class 1 and 2 watercraft are hereby classified as personal property exempt from taxation for the City of Kenai.

**7.05.100 Motor Vehicle Taxation.**

Motor vehicles subject to the motor vehicle tax under Kenai Peninsula Borough Code are not subject to an ad valorem tax on personal property.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder



of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 20<sup>TH</sup> DAY OF DECEMBER, 2023.

\_\_\_\_\_  
Brian Gabriel Sr., Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk

Introduced:	November 15, 2023
Enacted:	December 20, 2023
Effective:	January 19, 2024



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Terry Eubank, City Manager  
**DATE:** November 7, 2023  
**SUBJECT:** **Ordinance 3382-2023 – Personal Property Tax Exemption**

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This memo provides information in support of amendments to the Kenai Municipal Code to provide an exemption on the first \$100,000 of assessed personal property other than motor vehicles and watercraft and make other housekeeping changes.

In February, a Kenai business owner contacted the Administration with the suggestion that the City consider this exemption which is similar to exemptions provided by the Kenai Peninsula Borough, City of Soldotna, and City of Homer. Since then, the Administration and the City Attorney reviewed KMC 7.05, which defines the City's taxation policy, and determined that an amendment to the section related to motor vehicles taxation required an amendment to accurately reflect the practice used by the Kenai Peninsula Borough to distribute the City's proportional share of this tax. The Administration also reviewed the current certified tax role to determine the effect of a \$100,000 personal property tax exemption. Based on the current certified main role, it is estimated that exempting the first \$100,000 of personal property, other than motor vehicles and watercraft, from business property taxes would result in a maximum tax reduction of \$435 for a City of Kenai business and an approximate \$35,000 loss in annual tax revenue to the City.

Although the exemption will result in a loss of revenue, it is important to note that the current personal property tax is burdensome to many business owners within the City and is not consistent with neighboring communities that offer the exemption. The City has recently made strides in promoting economic growth through its partnership with the Kenai Chamber in promoting the City as open for business, creating development incentives and favorable lease provisions on City-owned lands, and implementing a program to assist Kenai businesses in improving Kenai storefronts. Enacting a \$100,000 exemption will remove the reporting burden on many Kenai businesses and is consistent with the City's mission to serve the citizens of Kenai through listening and leading; to promote growth, and continually improve services by balancing the wishes of the community with responsible management.

Thank you for your consideration.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Meghan Thibodeau, Acting City Clerk  
**DATE:** November 8, 2023  
**SUBJECT:** **Nomination and Confirmation of Applicants for Appointment to the City's Commissions and Committees**

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Pursuant to Kenai Municipal Code (KMC) 1.90.010 & 1.90.040, the Mayor has nominated the following individuals to be confirmed by City Council to a three-year term beginning January 1, 2024 and ending December 31, 2026:

- Airport Commission:** Jacob Caldwell  
Glenda Feeken  
Paul Minelga
  
- Beautification Committee:** Terri Wilson  
Sonja Barbaza (new appointment)
  
- Council on Aging:** Rachael Craig  
Frances Kilfoyle  
Roy Williams  
Jim Glendening (new appointment)
  
- Harbor Commission:** Bob Peters  
Jeanne Reveal  
Dave Peck
  
- Parks & Recreation Commission:** Michael Bernard  
T. Grant Wisniewski  
Nigel LaRicca (new appointment)

KMC requires Council confirmation of nominations presented by the Mayor. Your consideration is appreciated.



City of Kenai  
 210 Fidalgo Avenue  
 Kenai, AK 99611  
 Phone: 283-8231  
 Fax: 283-5068  
 Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

## COMMITTEE/COMMISSION APPLICATION

Personal Information	
Name: Jacob Caldwell	Date: 10/12/2023
Resident of the City of Kenai? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	How Long?
Name of Spouse: Autumn Caldwell	
Employer: Kenai Aviation	Job Title: President
Contact Information	
Residence Address: 34840 Poppy Wood St, Soldotna, AK 99669	
Mailing Address: Same	Email Address: jacob@kenaiaviation.com
Home Phone No.: 907-398-9447	Home Fax No.:
Business Phone No.:	Business Fax No.:
May we include your contact information on our webpage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage:	
Affiliations	
Current membership in organizations:	
Past organizational memberships:	
City committee or commission in which you are interested: Airport Commission	
Why do you want to be involved with this Committee or Commission? To serve the airport community and local community by providing my experience and knowledge of the aviation industry to advise city council on direction for the airport	
What background, experience, or credentials do you possess to bring to the commission or committee membership? I have 15 years experience working in the aviation industry with 12 of those years in management capacity at Grant Aviation, Alaska Airlines, and Kenai Aviation. I have a Bachelor of Science in Aviation Technology with an Administrative Emphasis from UAA. I am a Private Pilot and FAA Certified Aircraft Dispatcher. I have served on the Airport Commission since November 2021.	

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City of Kenai  
 210 Fidalgo Avenue  
 Kenai, AK 99611  
 Phone: 283-8231  
 Fax: 283-5068  
 Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

COMMITTEE/COMMISSION APPLICATION

Personal Information	
Name: <u>Glenda FeeKen</u>	Date:
Resident of the City of Kenai? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	How Long? <u>OWNED a BUSINESS IN Kenai SINCE 1990</u>
Name of Spouse: <u>N/A</u>	
Employer: <u>RE/MAX of the Peninsula</u>	Job Title: <u>BROKER/OWNER</u>
Contact Information	
Residence Address: <u>37295 Cetacea</u>	
Mailing Address: <u>10767 Kenai Spur Suite A</u>	Email Address: <u>glenda@teamfeeken.com</u>
Home Phone No.:	Home Fax No.:
Business Phone No.: <u>907-252-2743</u>	Business Fax No.: <u>NA</u>
May we include your contact information on our webpage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage:	
Affiliations	
Current membership in organizations: <u>National Association of Realtors KPAR</u>	
Past organizational memberships: <u>Rotary</u>	
City committee or commission in which you are interested: <u>Airport</u>	
Why do you want to be involved with this Committee or Commission? <u>Have been on airport commission for 15 years. Lot of history, lots of experience, lots of things I'd like to see accomplished</u>	
What background, experience, or credentials do you possess to bring to the commission or committee membership? <u>Experienced seasoned REALTOR (Been on commission 15 years) Worked at 3 different airports at their FBO's</u>	

FOR CITY USE ONLY  
 ROUTING:  Clerk's Office  
 DISTRIBUTION:  City Council  File

**From:** [Paul Minelga](#)  
**To:** [City Clerk](#)  
**Subject:** Form submission from: Commission/Committee Application (Webform)  
**Date:** Thursday, October 12, 2023 2:12:25 PM

---

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

Submitted on Thursday, October 12, 2023 - 2:12pm

Submitted by anonymous user: 63.140.80.6

Submitted values are:

Date: Thu, 10/12/2023

Name: Paul Minelga

Resident of City of Kenai?: No

If resident, how long?:

Residence Address: 38440 Nina Robinson Ave, Soldotna AK 99669

Mailing Address: Same as residence

Home Telephone: 9072621914

Home Fax:

Business Telephone:

Business Fax:

Email address: paul.minelga@gmail.com

May we include your contact information on our website?: Yes

If not all, what may we include?:

Employer: Retired

Job Title: Retired

Name of Spouse:

Current Membership Organization: Civil Air Patrol

Past organizational memberships:

Committees or commissions in which you are interested: Airport Commission

Why do you want to be involved with this commission or committee?:

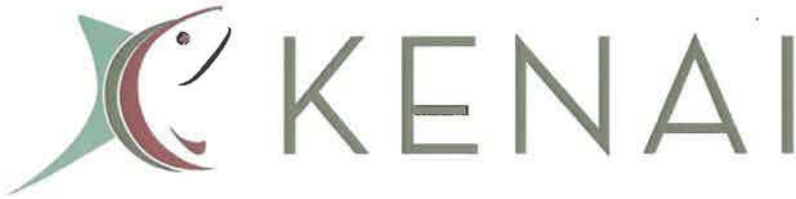
I would like to continue to be a voice for the Kenai Civil Air Patrol on the Kenai Airport Commission.

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

As an Airport Commission member for the past nine years, and being involved in aviation professionally and privately for much longer, I appreciate the opportunity to share my experiences with other commission members. This, in turn, helps the commission as a body to give good input to the Airport Manager and City Council as they administer the many aspects of successfully running the Kenai Municipal Airport.

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/11133>



### COMMITTEE/COMMISSION APPLICATION

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Phone: 283-8231  
Fax: 283-5068  
Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

Personal Information	
Name: <u>TERRI Wilson</u>	Date: <u>10-20-23</u>
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? <u>16 years</u>
Name of Spouse: <u>                    </u>	
Employer: <u>                    </u>	Job Title: <u>                    </u>
Contact Information	
Residence Address: <u>880 Set Net Drive</u>	
Mailing Address: <u>                    </u>	Email Address: <u>TLW.12333@yahoo.com</u>
Home Phone No.: <u>907-252-5632</u>	Home Fax No.: <u>                    </u>
Business Phone No.: <u>                    </u>	Business Fax No.: <u>                    </u>
May we include your contact information on our webpage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage:	
Affiliations	
Current membership in organizations: <u>EKS + This one Beautification Committee</u>	
Past organizational memberships:	
City committee or commission in which you are interested: <u>This one</u>	
Why do you want to be involved with this Committee or Commission? <u>To be involved with what the city has going on -</u>	
What background, experience, or credentials do you possess to bring to the commission or committee membership?	

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City of Kenai  
 210 Fidalgo Avenue  
 Kenai, AK 99611  
 Phone: 283-8231  
 Fax: 283-5068  
 Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

COMMITTEE/COMMISSION APPLICATION

Personal Information	
Name: Sonja F. Barbaza	Date: 10/23/2023
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? September 2023
Name of Spouse:	
Employer: Salamatof Tribe	Job Title: Tribal Operations Director
Contact Information	
Residence Address:	
Mailing Address: same	Email Address: sonja.barbaza@gmail.com
Home Phone No.: 907-953-7667	Home Fax No.:
Business Phone No.: 907-283-2700	Business Fax No.:
May we include your contact information on our webpage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage: Name, email and phone number	
Affiliations	
Current membership in organizations: Indigenous Education Committee member	
Past organizational memberships: City of Soldotna Planning and Zoning Commissioner	
City committee or commission in which you are interested: City of Kenai Planning and Zoning Commission, Beautification Committee	
Why do you want to be involved with this Committee or Commission? I want to be involved in the Planning and Zoning Commission and the Beautification Committee to have a voice in decision making and to be a service to the community.	
What background, experience, or credentials do you possess to bring to the commission or committee membership? I held seat A for the City of Soldotna Planning and Zoning Commission	

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**From:** [Rachael S. Craig](#)  
**To:** [City Clerk](#)  
**Subject:** Form submission from: Commission/Committee Application (Webform)  
**Date:** Thursday, October 12, 2023 9:12:18 AM

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

Submitted on Thursday, October 12, 2023 - 9:09am

Submitted by anonymous user: 65.74.109.119

Submitted values are:

Date: Thu, 10/12/2023  
Name: Rachael S. Craig  
Resident of City of Kenai?: No  
If resident, how long?:  
Residence Address: 48160 Snowflake Court, Soldotna  
Mailing Address: PO Box 1813, Kenai, AK  
Home Telephone: 907-398-5076  
Home Fax: N/A  
Business Telephone: N/A  
Business Fax: N/A  
Email address: rachaelcraig@gmail.com  
May we include your contact information on our website?: Yes  
If not all, what may we include?:  
Employer: past City of Kenai  
Job Title: past Director Senior Center  
Name of Spouse: Walter A. Craig  
Current Membership Organization: member of Kenai UMC  
Past organizational memberships: Board of Frontier Community Serv., PEO  
Committees or commissions in which you are interested: Kenai Senior Center COA  
Why do you want to be involved with this commission or committee?:  
The Senior population has been my life-calling. I want to stay connected to help continue to make the Kenai Senior Center the best on the Peninsula. The senior population is the fastest population on the peninsula and in Alaska, we need to provide the space, education, support, constructive wellness activities besides providing nutritious meals and transportation.  
What background, experience, or credentials do you possess to bring the board, commission, or committee membership?:  
A love for seniors. I have worked for the past 30 years with seniors on the continuum of care ( long term care, intermediate care, assisted living, adult day services, independent housing; to help seniors remain independent in their community where they thrive when given the opportunity to "age in place."

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/11131>

**From:** [Fran Kilfoyle](#)  
**To:** [City Clerk](#)  
**Subject:** Form submission from: Commission/Committee Application (Webform)  
**Date:** Thursday, October 26, 2023 11:11:46 AM

---

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

Submitted on Thursday, October 26, 2023 - 11:11am

Submitted by anonymous user: 63.140.120.6

Submitted values are:

Date: Thu, 10/26/2023

Name: Fran Kilfoyle

Resident of City of Kenai?: Yes

If resident, how long?: 46 years

Residence Address: 104 N Gill Street #110B

Mailing Address: 104 N. Gill Street #110 B

Home Telephone: 907-283-8436

Home Fax:

Business Telephone:

Business Fax:

Email address: doesnothaveone@uscity.org

May we include your contact information on our website?: Yes

If not all, what may we include?:

Employer: Retired

Job Title: Retired

Name of Spouse:

Current Membership Organization: City of Kenai Council on Aging; TOPS Club

Past organizational memberships:

Committees or commissions in which you are interested: Council on Aging

Why do you want to be involved with this commission or committee?: Current member and of the age where this is important

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

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/11146>



City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Phone: 283-8231  
Fax: 283-5068  
Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

COMMITTEE/COMMISSION APPLICATION

Personal Information	
Name: Roy D. Williams	Date: 10-17-2023
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? 48 YRS
Name of Spouse: Ozella Williams	
Employer: Retired	Job Title: Director of Missions
Contact Information	
Residence Address: Vintage Point Apt. 208	Email Address:
Mailing Address: 381 Senior Court	Home Phone No.:
Home Phone No.: 907 395 0396	Home Fax No.:
Business Phone No.: 480 383 9820	Business Fax No.:
May we include your contact information on our webpage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage:	
Affiliations	
Current membership in organizations:	
Past organizational memberships:	
City committee or commission in which you are interested: Council on Ageing	
Why do you want to be involved with this Committee or Commission? To help prepare for coming of more seniors	
What background, experience, or credentials do you possess to bring to the commission or committee membership? Pastor 50 yrs Director of Missions & Out Reach	

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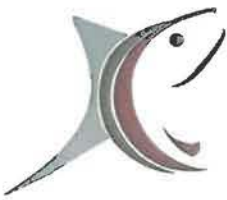


COMMITTEE/COMMISSION APPLICATION

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611
Phone: 283-8231
Fax: 283-5068
Email: cityclerk@kenai.city

Personal Information: Name: JAMES GLENDENING, Date: 11-5-23, Resident of the City of Kenai? [X] Yes [ ] No, How Long? 25 YEARS, Job Title: RETIRED
Contact Information: Residence Address: 694 SYCAMORE KENAI, AK 99611, Mailing Address: SAME, Email Address:
Affiliations: Current membership in organizations: KENAI ELKS, City committee or commission in which you are interested: HARBOR + Council on Aging
Why do you want to be involved with this Committee or Commission? I HAVE A STRONG INTEREST IN AND COMMITMENT TO MUNICIPAL GOVERNANCE
What background, experience, or credentials do you possess to bring to the commission or committee membership? KENAI CITY COUNCIL, K.R.B. PLANNING COMMISSION, CITY OF KENAI PLANNING AND ZONING COMMISSION AND HARBOR COMMISSION

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DISTRIBUTION: [ ] City Council [ ] File



# KENAI

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Phone: 283-8231  
Fax: 283-5068  
Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

## COMMITTEE/COMMISSION APPLICATION

Personal Information	
Name: <b>BOB PETERS</b>	Date: <b>October 15, 2023</b>
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? <b>48 Years</b>
Name of Spouse: <b>PATRICIA</b>	
Employer:	Job Title:
Contact Information	
Residence Address:	
Mailing Address:	Email Address: <b>bluffnet@ptialaska.net</b>
Home Phone No.: <b>907 283-9106</b>	Home Fax No.:
Business Phone No.:	Business Fax No.:
May we include your contact information on our webpage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage: <b>HomePhone # &amp; E-MAIL ADDRESS</b>	
Affiliations	
Current membership in organizations: <b>HAVE COSTCO MEMBERSHIP</b>	
Past organizational memberships: <b>Boy Scouts of America</b>	
City committee or commission in which you are interested: <b>Harbor Commission</b>	
Why do you want to be involved with this Committee or Commission? <b>It needs members.</b>	
What background, experience, or credentials do you possess to bring to the commission or committee membership? <b>I will show up for meetings -</b>	

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**From:** [Jeanne C. Reveal](#)  
**To:** [City Clerk](#)  
**Subject:** Form submission from: Commission/Committee Application (Webform)  
**Date:** Thursday, September 21, 2023 1:28:11 PM

---

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Submitted on Thursday, September 21, 2023 - 1:28pm

Submitted by anonymous user: 24.237.255.156

Submitted values are:

Date: Thu, 09/21/2023

Name: Jeanne C Reveal

Resident of City of Kenai?: Yes

If resident, how long?: 3 years

Residence Address:

Mailing Address:

Home Telephone: 907-513-7547

Home Fax: NA

Business Telephone: NA

Business Fax: NA

Email address:

May we include your contact information on our website?: Yes, but not all (specify below)

If not all, what may we include?: Phone

Employer: The Odom Corporation

Job Title: Truck Driver Delivery

Name of Spouse: Widowed

Current Membership Organization: None

Past organizational memberships: Cowlitz County Sheriff's Reserve, Cowlitz County District 1 VFD

Committees or commissions in which you are interested: Harbor Commission

Why do you want to be involved with this commission or committee?:

The Harbor Commission is vital to community growth, jobs and industry. I have experience in government.

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

I was a City and County employee for over 20 years. I am familiar with community development, block grants, and impact on public safety. I feel I can bring objective analysis and experience to the community.

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/11112>



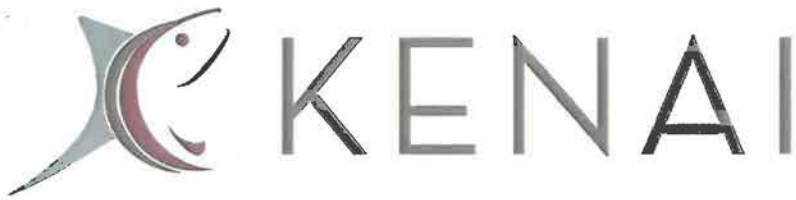
City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Phone: 283-8231  
Fax: 283-5068  
Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

COMMITTEE/COMMISSION APPLICATION

RE: Reappointment HARBOR COMMISSION

Personal Information	
Name: DAVID PECK	Date: 10-30-23
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? 4 YEARS
Name of Spouse: VIRGINIA REYNOLDS	
Employer: RETIRED	Job Title: RETIRED PAROLE OFFICER
Contact Information	
Residence Address:	
Mailing Address:	Email Address: DLP1951@GMAIL.COM
Home Phone No.: (CEH) 907-953-3248	Home Fax No.: _____
Business Phone No.: _____	Business Fax No.: _____
May we include your contact information on our webpage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage: NAME + PHONE + EMAIL	
Affiliations	
Current membership in organizations: CHAIRMAN DISTRICT 7 REPUBLICAN Comm. Hec (EXPIRES 2/24)	
Past organizational memberships: STATE OF NEVADA PEACE OFFICERS ASSOCIATION (UNTIL 2005)	
City committee or commission in which you are interested: HARBOR COMMISSION	
Why do you want to be involved with this Committee or Commission? BECAUSE I'VE DONE IT OVER A YEAR NOW. IT'S INTERESTING	
What background, experience, or credentials do you possess to bring to the commission or committee membership? EXPERIENCE IN WORKING WITH THE PUBLIC	

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City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Phone: 283-8231  
Fax: 283-5068  
Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

### COMMITTEE/COMMISSION APPLICATION

Personal Information	
Name: <i>Michael Bernard</i>	Date: <i>11-2-2023</i>
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? <i>6 years</i>
Name of Spouse: <i>Diane Bernard</i>	
Employer: <i>Kenaitze Indian Tribe</i>	Job Title: <i>Cultural Resource Supervisor</i>
Contact Information	
Residence Address:	
Mailing Address:	Email Address: <i>akutuq@gmail.com</i>
Home Phone No.:	Home Fax No.: <i>---</i>
Business Phone No.:	Business Fax No.: <i>---</i>
May we include your contact information on our webpage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage: <i>Name and email address</i>	
Affiliations	
Current membership in organizations:	
Past organizational memberships: <i>Kenai Mountains Turnagain Arm National Heritage Area</i>	
City committee or commission in which you are interested: <i>Parks + Recreation Commission</i>	
Why do you want to be involved with this Committee or Commission? <i>Enjoy serving my neighbors. Interested in city government.</i>	
What background, experience, or credentials do you possess to bring to the commission or committee membership? <i>25 years landscape maintenance w/ Booth's + Moore's. Interested in helping with our parks + recreation areas.</i>	

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**From:** [Timothy Grant Wisniewski](#)  
**To:** [City Clerk](#)  
**Subject:** Form submission from: Commission/Committee Application (Webform)  
**Date:** Monday, November 6, 2023 3:46:49 PM

---

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

Submitted on Monday, November 6, 2023 - 3:46pm

Submitted by anonymous user: 24.237.249.71

Submitted values are:

Date: Mon, 11/06/2023  
Name: Timothy Grant Wisniewski  
Resident of City of Kenai?: Yes  
If resident, how long?: 38 Years  
Residence Address: 5839 Kenai Spur Hwy - Kenai, Alaska 99611  
Mailing Address: 5839 Kenai Spur Hwy - Kenai, Alaska 99611  
Home Telephone: 907-252-1500  
Home Fax: 907-283-6116  
Business Telephone: 907-252-1500  
Business Fax: 907-283-6116  
Email address: grant2885@hotmail.com  
May we include your contact information on our website?: Yes  
If not all, what may we include?:  
Employer: Peninsula Memorial Chapel  
Job Title: Funeral Director and Embalmer  
Name of Spouse: Amanda Wisniewski  
Current Membership Organization: Park and Rec  
Past organizational memberships:  
Committees or commissions in which you are interested: Park and Rec  
Why do you want to be involved with this commission or committee?: Just renewing my current Park and Rec Application  
What background, experience, or credentials do you possess to bring the board, commission, or committee membership?:  
I grew up playing on playgrounds, so I know and thing or two about slides, swings and things that would benefit our community.

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/11155>

**From:** [Nigel LaRiccia](#)  
**To:** [City Clerk](#)  
**Subject:** Form submission from: Commission/Committee Application (Webform)  
**Date:** Friday, October 13, 2023 10:41:19 AM

---

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

Submitted on Friday, October 13, 2023 - 10:41am

Submitted by anonymous user: 209.193.25.125

Submitted values are:

Date: Fri, 10/13/2023  
Name: Nigel LaRiccia  
Resident of City of Kenai?: Yes  
If resident, how long?: 15 years  
Residence Address:  
Mailing Address:  
Home Telephone:  
Home Fax:  
Business Telephone:  
Business Fax:  
Email address: nlariccia@kpb.us  
May we include your contact information on our website?: Yes, but not all (specify below)  
If not all, what may we include?: Email  
Employer: Kenai Peninsula Borough / North Peninsula Recreation Service Area  
Job Title: Pool Supervisor  
Name of Spouse:  
Current Membership Organization: Alaska Parks and Recreation, Association Of Aquatic Professionals  
Past organizational memberships: Same as Current  
Committees or commissions in which you are interested: Parks and Recreation  
Why do you want to be involved with this commission or committee?:  
I have worked in parks and recreation for my entire career, and think this gives me a good opportunity to bring that experience to the city of Kenai. I also have 4 kids and we use the green spaces, ice rink and play grounds. and have seen some awesome updates and want to help be part of the continued growth and improvement. Kenai also has some awesome spaces that I would like to see more events and programs for the community.  
What background, experience, or credentials do you possess to bring the board, commission, or committee membership?:  
I have worked for North Peninsula Recreation for over 24 years now, and though my specialty is in aquatics I help with all aspects of the service area including our parks and recreation center.

The results of this submission may be viewed at:

<https://www.kenai.city/node/2601/submission/11134>



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Meghan Thibodeau, Acting City Clerk  
**DATE:** November 8, 2023  
**SUBJECT:** **Nomination and Confirmation of Applicants for Appointment to the City’s Planning & Zoning Commission**

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The Planning and Zoning Commission will have three vacancies as of December 31, 2023, due to terms ending. All requirements pursuant to Kenai Municipal Code (KMC) have been met to fill these vacancies. Applications received for consideration are attached to this correspondence.

Pursuant to KMC 14.05.015 (b), "... the Mayor shall make nominations only from the list of persons who timely submitted an application..." and, as per KMC 14.15.015 (c), "... The Kenai City Council shall review the Mayor’s nomination no later than the next regular Council meeting following the meeting in which the Mayor made the nomination, at which time the Council shall consider whether to confirm the nominations."

Mayor Gabriel has nominated the following for consideration and confirmation of the City Council:

- Joe Halstead reappointment for a term beginning January 1, 2024, and ending December 31, 2026.
- Glenese Pettey new appointment for a term beginning January 1, 2024, and ending December 31, 2026.
- Sonja Barbaza new appointment for a term beginning January 1, 2024, and ending December 31, 2026.

Council shall consider confirmation of the Mayor’s nominations no later than the December 20, 2023 meeting.



City of Kenai  
 210 Fidalgo Avenue  
 Kenai, AK 99611  
 Phone: 283-8231  
 Fax: 283-5068  
 Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

### COMMITTEE/COMMISSION APPLICATION

Personal Information	
Name: JOSEPH N. HALSTEAD	Date:
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? 47 YEARS
Name of Spouse: SAMANTHA	
Employer: HEA	Job Title: INFORMATION SERVICES
Contact Information	
Residence Address: 510 HEMLOCK AVE	
Mailing Address: SAME	Email Address: Joe@digitsak.com
Home Phone No.: 907-398-7255	Home Fax No.:
Business Phone No.:	Business Fax No.:
May we include your contact information on our webpage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage:	
Affiliations	
Current membership in organizations: PLANNING + ZONING	
Past organizational memberships:	
City committee or commission in which you are interested: PLANNING + ZONING	
Why do you want to be involved with this Committee or Commission? GIVE BACK TO COMMUNITY	
What background, experience, or credentials do you possess to bring to the commission or committee membership? PREVIOUS TERM COMMISSIONER	

FOR CITY USE ONLY ROUTING: <input type="checkbox"/> Clerk's Office DISTRIBUTION: <input type="checkbox"/> City Council <input type="checkbox"/> File
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# KENAI

## COMMITTEE/COMMISSION APPLICATION

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Phone: 283-8231  
Fax: 283-5068  
Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

Personal Information	
Name: <u>Glenese Patten</u>	Date: <u>10.20.2023</u>
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? <u>33 years</u>
Name of Spouse: <u>Jay</u>	
Employer: <u>Edward Jones</u>	Job Title: <u>Financial Advisor</u>
Contact Information	
Residence Address:	
Mailing Address:	Email Address:
Home Phone No.: <u>907.252.4170</u>	Home Fax No.: <u>—</u>
Business Phone No.: <u>907.283.4567</u>	Business Fax No.: <u>—</u>
May we include your contact information on our webpage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, but not all <u>just phone #</u>	
Please specify what we can include on our webpage: <u>Just phone # please</u>	
Affiliations	
Current membership in organizations: <u>Kenai Chamber of Commerce</u> <u>Alaska Southcentral Federated Republican Women</u>	
Past organizational memberships: <u>Kenai Peninsula Quilting Guild</u>	
City committee or commission in which you are interested: <u>Planning + Zoning, Council on Aging, City Council Member</u>	
Why do you want to be involved with this Committee or Commission? <u>To give back to community, work on Comprehensive Plan + Waterfront Zoning</u>	
What background, experience, or credentials do you possess to bring to the commission or committee membership? <u>Having worked on P+Z in the past and being former City Council Member</u>	
FOR CITY USE ONLY ROUTING: <input type="checkbox"/> Clerk's Office DISTRIBUTION: <input type="checkbox"/> City Council <input type="checkbox"/> File	



## COMMITTEE/COMMISSION APPLICATION

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611  
Phone: 283-8231  
Fax: 283-5068  
Email: [cityclerk@kenai.city](mailto:cityclerk@kenai.city)

Personal Information	
Name: Sonja F. Barbaza	Date: 10/23/2023
Resident of the City of Kenai? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How Long? September 2023
Name of Spouse:	
Employer: Salamatof Tribe	Job Title: Tribal Operations Director
Contact Information	
Residence Address:	
Mailing Address: same	Email Address: sonja.barbaza@gmail.com
Home Phone No.: 907-953-7667	Home Fax No.:
Business Phone No.: 907-283-2700	Business Fax No.:
May we include your contact information on our webpage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, but not all	
Please specify what we can include on our webpage: Name, email and phone number	
Affiliations	
Current membership in organizations: Indigenous Education Committee member	
Past organizational memberships: City of Soldotna Planning and Zoning Commissioner	
City committee or commission in which you are interested: City of Kenai Planning and Zoning Commission, Beautification Committee	
Why do you want to be involved with this Committee or Commission? I want to be involved in the Planning and Zoning Commission and the Beautification Committee to have a voice in decision making and to be a service to the community.	
What background, experience, or credentials do you possess to bring to the commission or committee membership? I held seat A for the City of Soldotna Planning and Zoning Commission	

## FOR CITY USE ONLY

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**KENAI AIRPORT COMMISSION – REGULAR MEETING  
OCTOBER 12, 2023 – 6:00 P.M.  
KENAI MUNICIPAL AIRPORT CONFERENCE ROOM  
305 N. WILLOW STREET, SUITE 110 KENAI, AK 99611  
CHAIR GLENDA FEEKEN, PRESIDING**

**ACTION MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Airport Commission was held on October 12, 2023, in the Kenai Municipal Airport Conference Room, Kenai, AK. Chair Feeken called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Chair Feeken led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Glenda Feeken, Chair  
James Bielefeld  
Joshua Daily  
James Zirul

Paul Minelga, Vice Chair  
Jacob Caldwell  
Dan Pitts

A quorum was present.

Absent:

None

Also in attendance were:

Mary Bondurant, Interim Airport Manager  
Sarah Conley, Airport Administrative Assistant  
Victoria Askin, City Council Liaison

**3. Agenda Approval**

**MOTION:**

Vice Chair Minelga **MOVED** to approve the agenda with the requested revisions and requested unanimous consent. Commissioner Bielefeld **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.

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

**B. SCHEDULED PUBLIC COMMENTS - None.**

**C. UNSCHEDULED PUBLIC COMMENTS - None.**

**D. APPROVAL OF ACTION MINUTES**

- 1. September 14, 2023.

**MOTION:**

Commissioner Bielefeld **MOVED** to approve the September 14, 2023 Action Summary, noting that scrivener’s errors had been noted to the Clerk for correction.

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

**E. UNFINISHED BUSINESS** – None.

**F. NEW BUSINESS**

1. **Discussion/Recommendation** – Kenai Municipal Airport Capital Improvement Program – Airport Manager and Public Works Director

**MOTION:**

Commissioner Bielefeld **MOVED** to recommend City Council approval of the Airport's Fiscal Year 2024-2026 Capital Improvement Program List. Commissioner Daily **SECONDED** the motion.

Interim Airport Manager Bondurant provided a staff report on the Capital Improvement Program list as provided in the packet. Director Curtin provided additional information regarding FAA funding. Commission discussion ensued.

*[Clerk's Note: Commissioner Zirul joined the meeting at 6:08 p.m.]*

**UNANIMOUS CONSENT** was requested on the motion.

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

**G. REPORTS**

1. Airport Manager – Interim Airport Manager Bondurant reported on the following:
  - Approval for vacant seasonal positions filled
  - Winter operations meeting this October
  - Ravn Airlines' last flights out of KMA will be October 20, 2023
  - Flood plane basin will be drained
  - City offices will be closed on October 18<sup>th</sup> for Alaska Day
2. City Council Liaison – Council Member Askin reported on the actions of the October 4, 2023 City Council Meeting.

**H. ADDITIONAL PUBLIC COMMENTS** – None.

**I. NEXT MEETING ATTENDANCE NOTIFICATION** – November 9, 2023

Commissioner Zirul noted that he may be absent or participate remotely.

**J. COMMISSION QUESTIONS AND COMMENTS**

Commissioner Bielefeld discussed Airport lessee snow removal.

Vice Chair Minelga discussed future Airport Master Plan review, and the opportunity for future potential of vertiports.

Interim Airport Manager Bondurant noted that Derek Ables has been hired as the new Airport Manager, and noted reports provided in the packet.

Commissioner Daily noted he would like to see reports on total tower operations.

Commissioners Caldwell, Zirul, Daily and Minelga discussed the demand for and potential of direct flights to Seattle.



**K. ADJOURNMENT**

**L. INFORMATIONAL ITEMS**

1. KMA Enplanements, Float Plane Basin Activity, & Vehicle Parking Revenues – September 2023
2. Airport Mid-month – September 2023
3. Kenai Aviation 5<sup>th</sup> Annual Pumpkin Drop

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

I certify the above represents accurate minutes of the Airport Commission meeting of October 12, 2023.

---

Meghan Thibodeau  
Deputy City Clerk

DRAFT

KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
OCTOBER 25, 2023 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR JEFF TWAIT, PRESIDING

MINUTES

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on October 25, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

**1. Pledge of Allegiance**

Chair Twait led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Jeff Twait, Chair	Joe Halstead, Vice Chair
Gwen Woodard	Jim Glendening
John Coston	Diane Fikes

A quorum was present.

Absent:

Gary Greenberg

Also in attendance were:

Linda Mitchell, Planning Director  
Meghan Thibodeau, Deputy City Clerk

**3. Approval of Agenda and Consent Agenda**

**MOTION:**

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

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

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

**UNANIMOUS CONSENT** was requested.  
There being no objection; **SO ORDERED.**

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

**B. APPROVAL OF MINUTES**

- 1. \*Regular Meeting of September 27, 2023

Approved by the consent agenda.

C. **SCHEDULED PUBLIC COMMENTS** - None.

D. **UNSCHEDULED PUBLIC COMMENTS** - None.

E. **CONSIDERATION OF PLATS** – None.

F. **PUBLIC HEARINGS**

1. **Resolution PZ2023-19** - Recommending Approval to Rezone the Properties Located at 103 Birch Street and 1202, 1204, and 1206 First Avenue From General Commercial (CG) to Suburban Residential (RS) Zoning District.

Clarification was provided that due to discrepancies found by staff in the future land use map, the resolution was not included in the packet and no action would be taken at this meeting. However, because the item was advertised as a public hearing at this meeting, any members of the public who wanted to speak on the issue had the opportunity to do so.

Chair Twait opened the floor for public testimony.

Nancy Wiles spoke in support, noting that the area has always been residential and she had previously advocated to have the zoning changed to mixed use, and had canvassed the neighborhood with a petition.

Keith Shaffer spoke in support, noting he would not enjoy having a commercial business right across from his property. He stated that he would like to see the lot at 103 Birch Street to be rezoned to residential.

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

2. **Resolution PZ2023-20** - Granting an Encroachment Permit for a Multi-Tenant Commercial Building to Encroach into the Required (East) Side Yard Setback on the Property Located at 735 Baleen Avenue in the Limited Commercial (LC) Zoning District.

**MOTION:**

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-20. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting an encroachment permit to accommodate a boiler room for a multi-tenant commercial building. Uses of surrounding areas and criteria for encroachment permits were reviewed; it was noted the application met the criteria and City staff recommends approving an encroachment permit to allow the multi-tenant commercial building to encroach into the required 15-foot (east) side yard setback by 3 feet 1 inch.

Chair Twait opened the floor for public comment.

Billy Anderson explained that he lives north of the property, and did not support the prior rezone of this area from residential to limited commercial. He described issues he has experienced during the construction of this building.

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

Clarification was provided that access is off of Baleen Avenue and not Kalifornsky Beach Road which would require additional approval from the State, and that Baleen Avenue is a City-maintained road. There was discussion on how the measurement of 3 feet and 1 inch was reached, the building inspection process, and restrictions on building size.

Chair Twait re-opened the floor for public comment.

Richard Burton expressed concern about the potential for increase in traffic along Baleen Avenue, noting that the road will need improvement.

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

There was discussion on possibly increasing the encroachment amount, whether the boiler room was already constructed, and how the access issue could be addressed by recommending that Baleen Avenue be added to the City's Capital Improvement Plan. It was noted that the applicant owns the property to the east, and if the commission does not approve the easement the property owner can do a lot line adjustment and meet the setback.

**MOTION TO AMEND:**

Commissioner Glendening **MOVED** to amend Resolution PZ2023-20 by adding a condition to require an as-built certification to be provided prior to issuance of a certificate of occupancy. Vice Chair Halstead **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion to amend.  
There being no objection; **SO ORDERED**.

**VOTE ON MAIN MOTION AS AMENDED:**

YEA: Halstead, Glendening, Woodard, Coston, Fikes, Twait

NAY: None

ABSENT: Greenberg

**MOTION PASSED WITHOUT OBJECTION.**

Chair Twait noted the 15-day appeal period.

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

1. **\*Action/Approval** - Requesting an Excused Absence for the September 27, 2023 Regular Meeting – Halstead.

Approved by the consent agenda.

2. **\*Action/Approval** – Add a Condition to the Preliminary Plat – Strawberry Hill Estates 2023 Addition (Resolution PZ2023-15).

Approved by the consent agenda.

**I. REPORTS**

1. City Council – None.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the October 9, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
  - A second part-time Planning administrative assistant has been hired.
  - The Kenai Peninsula Borough will be updating its GIS maps to a new platform.
  - The State Recorder's Office in Kenai has been permanently closed.
  - The Clerk's Office will be sending out a survey as part of the upcoming Commission & Committee review.
  - The Capital Improvement Plan is being circulated to commissions and committees for review; will not go to Planning & Zoning as there are no related projects.
  - Attended a FEMA training on disaster warning coordination.

J. **ADDITIONAL PUBLIC COMMENT** – None.

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: November 8, 2023

Commissioner Halstead noted he may be absent.

L. **COMMISSION COMMENTS AND QUESTIONS**

Commissioner Glendening noted that there had been a good discussion.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS** – None.

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

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of October 25, 2023.



\_\_\_\_\_  
Meghan Thibodeau  
Deputy City Clerk



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Stephanie Randall, Human Resources Director

**DATE:** November 6, 2023

**SUBJECT:** **Resolution 2023-65 - Question Cost of Insurance**

---

At the November 1, 2023 City Council meeting, the City Council passed Resolution 2023-65, which authorizes a contract for the City's employee group medical, dental, and vision insurance and basic life insurance pursuant to KMC23.40.120 effective January 1, 2024. At the meeting, Council member Baisden asked a question about the annual cost of insurance per employee.

Based on 108 eligible positions (106 full-time and two part-time), the total estimated annual program cost is \$2,549,954, and the total estimated annual cost per eligible employee is \$23,610.

Please note that the total program cost is an estimated cost, and the actual cost may vary depending on a number of factors, such as the number of employees who enroll in the program, whether the employee selects coverage for employee-only or employee-plus dependents, and the utilization of the Health Reimbursement Account.

Please let me know if you have any questions.



**2023**

**ANNUAL**

**PERSONAL USE FISHERY**

**REPORT**



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Tyler Best, Parks and Recreation Director  
**DATE:** November 7, 2023  
**SUBJECT:** 2023 Dipnet Report – Parks and Recreation

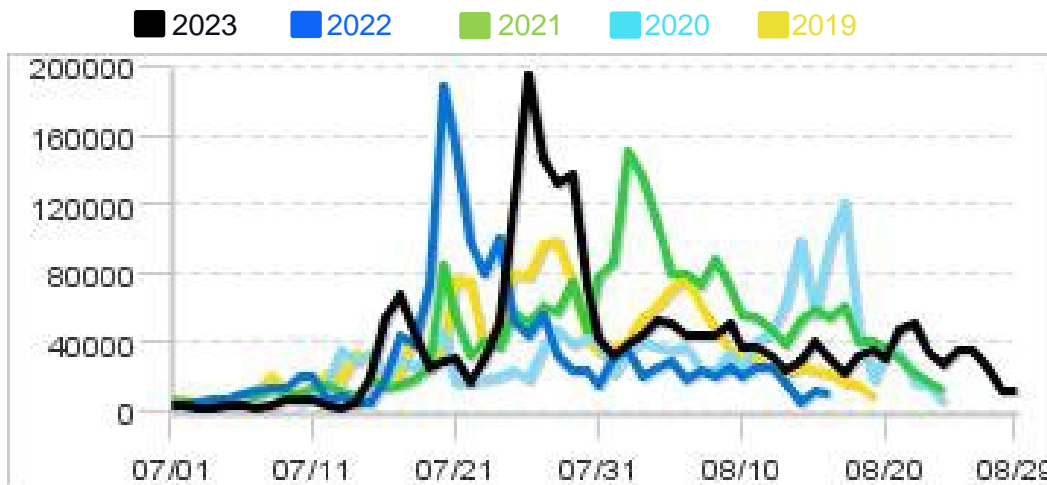
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### General Overview

The Dipnet Fishery started July 10 and continued through July 31. Alaska Residents could utilize the Fishery from 6:00 a.m. to 11:00 p.m. until July 21, when it became open 24 hours a day through July 31.

Escapement of the river totaled over 2.3 million fish, which exceeded the sustainable escapement goal for sockeye by over 1 million. Such a large number of fish had not gone up the river since 2021 when a 2.4 million escapement was recorded.

The following table depicts the daily escapement for the duration of the summer over the last five years.



The sockeye salmon run has been arriving later for the last several years. The peak typically comes in the last week of July. While the peak remains in July with these later runs, the sockeye run seems to stretch further into August, with a large amount of fish making it up the river until the last week of August. Roughly 1 million fish escaped after the Dipnet fishery closed.



In 2023, over half the total escapment made it up the river by July 31. The peak of the run came in the last week of July, and so did some sunny weather. This provided the Dipnet fishery users with great fishing.

**Operations in 2023**

The no-wake zone along approximately 6,000 lineal feet of the Kenai River was partially installed this year. Only signage on the beach and a map at the dock depicting the no-wake zone could be installed. The City typically partners with Pacstar to utilize their tender for placement of no wake zone buoys but it was unavailable, so no buoys could be installed in the river. The Administration is looking for other options to install no wake buoys in future years.

**Operational Changes in 2023**

Two operational changes occurred in 2023 worth noting:

- User fees for the Fishery were increased by 5%.
- A bypass lane was constructed to help alleviate traffic on Spruce Street.

**DipNet App**

2023 marked the 7th anniversary of the Dipnet Kenai Smartphone app. Use of the app was down from about 26 percent from the 5-year average. This could indicate a need for an app update. The Administration is looking at options that could be incorporated into the FY25 budget so the update could roll out for the Dipnet fishery in 2025.

Summary of app usage

Year	2018	2019	2020	2021	2022	2023	5yr Average	Diff from Avg
Pageviews	217,100	182,000	228,600	156,600	192,400	131,200	178,160	74%
Sessions	81,300	71,100	99,300	81,400	97,600	71,500	84,180	85%
Unique Sessions	32,300	28,800	40,100	32,500	33,900	28,500	32,760	87%
Downloads	3,758	3,744	4,057	3,190	3,719	2,087	3,359	62%

## **Parks and Rec**

The Parks and Recreation Administrative staff interviewed and hired all temporary positions for the PU Fishery, excluding the temporary enforcement officers. There were 15 temporary employees hired, including six beach shack attendants, two dock shack attendants, six dock attendants, and one beach attendant.

The Parks and Recreation Maintenance Staff work in late June and early July to help set up the Fishery. This includes building temporary fencing to protect the dunes, installing signage, painting parking lines, and setting up the new North Beach Bypass Lane. Throughout the Fishery, the parks staff acts as support staff, including mechanical repairs, supply runs, directing traffic, or helping clean toilets, beaches, and parking lots.

Alaska Mission and Retreats, also known as the Salmon Frenzy, partnered with the City of Kenai and brought various groups of volunteers to serve hot dogs and coffee during the peak days of the PU fishery. At North Beach, they helped direct traffic and also helped pick up litter on the beaches.

Kenai Nordic Ski Team coordinated with The City of Kenai to provide two clean-up days a week for the duration of the Fishery. At the end of the Fishery, the team went through and helped clean the beach and parking lots. Our department provided them with trash bags, gloves, and trash grabbers. The City provides a monetary donation of two thousand dollars to the Nordic Ski Team for this service.

## **Public Works**

The Street Division helps set up the Fishery by placing over 100 jersey barriers for the direction of traffic, placing the fee shacks, installing temporary access roads at both beaches, and creating a new bypass lane off of Spruce Street to help improve traffic flow, which required approximately 200 cubic yards of gravel. During the Fishery, Streets help maintain the roads by grading them and putting down calcium chloride to keep access to the beach and dock accessible and safe.

In a normal year, no wake signs and buoys are placed in the river, but these could not be placed this year because they required the use of Pacific Star Seafoods tender vessel, which was unavailable during the appropriate tides.

## **Financial Report**

### **Capital Improvements**

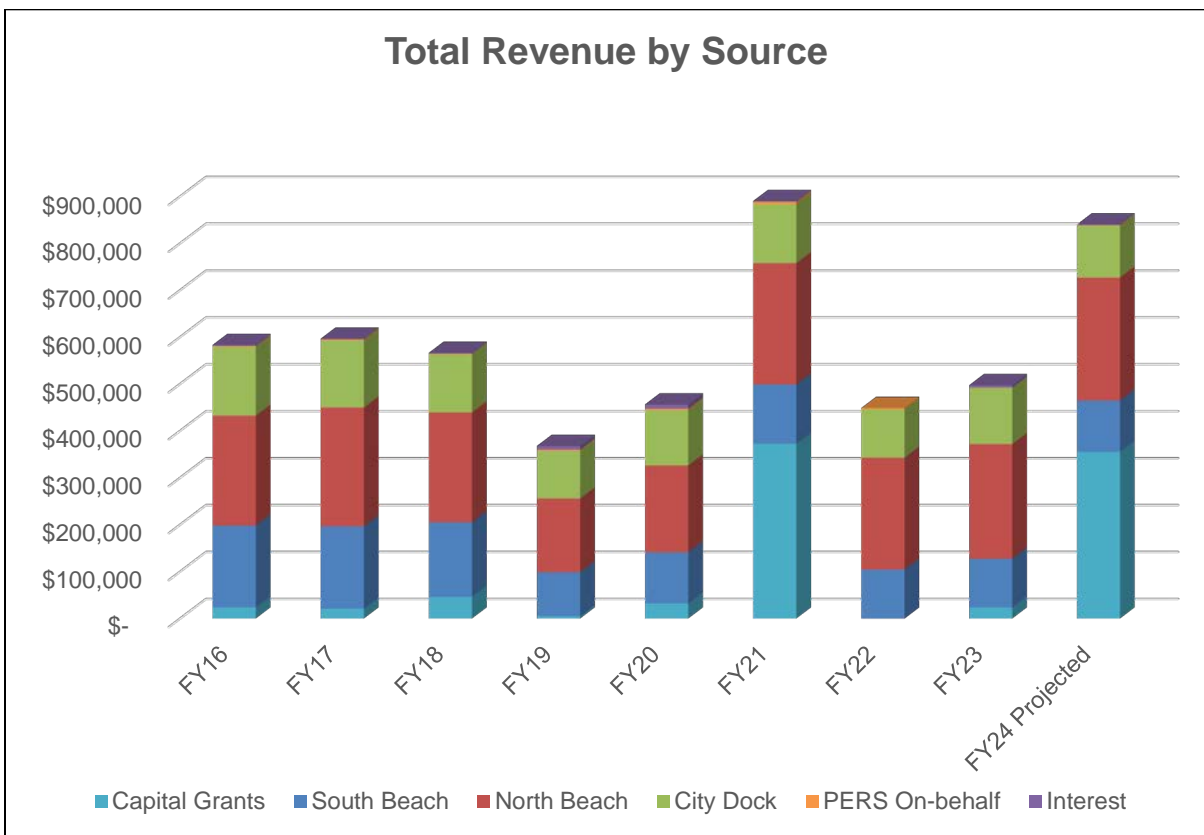
In FY23 \$24,579 of a State of Alaska legislative grant was spent to create a bypass lane on South Spruce Street, allowing local traffic to bypass the fee shacks. \$355,856 remains in the grant for dipnet improvements on the City's north and south beaches. \$125,000 of the \$355,856 remaining was previously allocated to construction of permanent restrooms at the Kenai Little League fields complex. The remaining \$230,856 has been appropriated but is awaiting further action to allocate to specific projects.

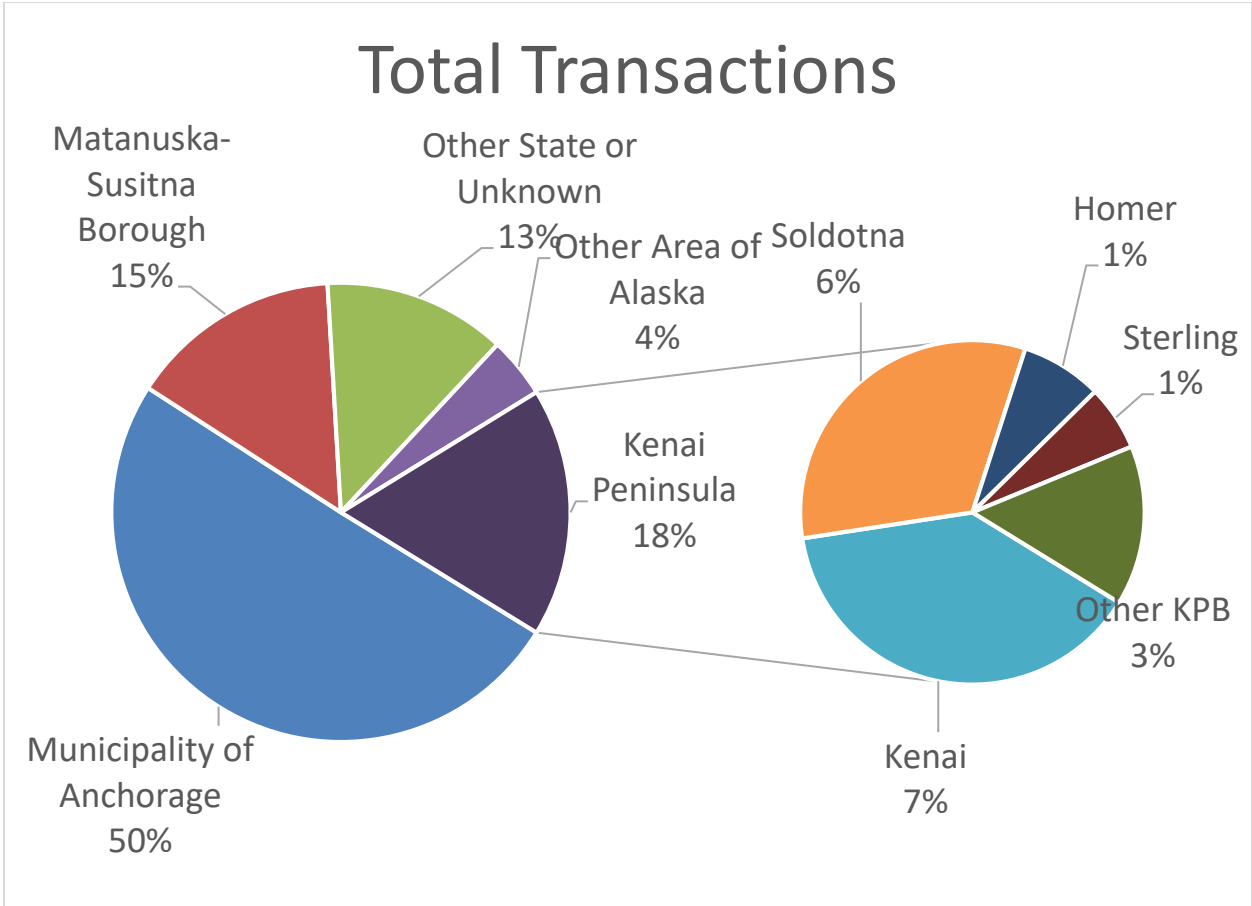
### **FY24 Revenues**

FY24 fees collected increased 3% over FY23. There was a 5% increase in the fees completing the second part of the two-year plan to increase fees a total of 10%. FY24 fishery revenues, not including capital grant revenues and net of sales tax and transaction fees, are projected to be \$482,562, which is \$14,150 less than budgeted but \$15,045 more than FY23 fishery revenues. Capital grant revenue is projected to be \$355,856, assuming complete expenditure of the

remaining state grant. A comparison of FY24 fishery revenue to prior years is shown below, the breakdown by site and service for FY16 thru FY24 is based upon actual transactions

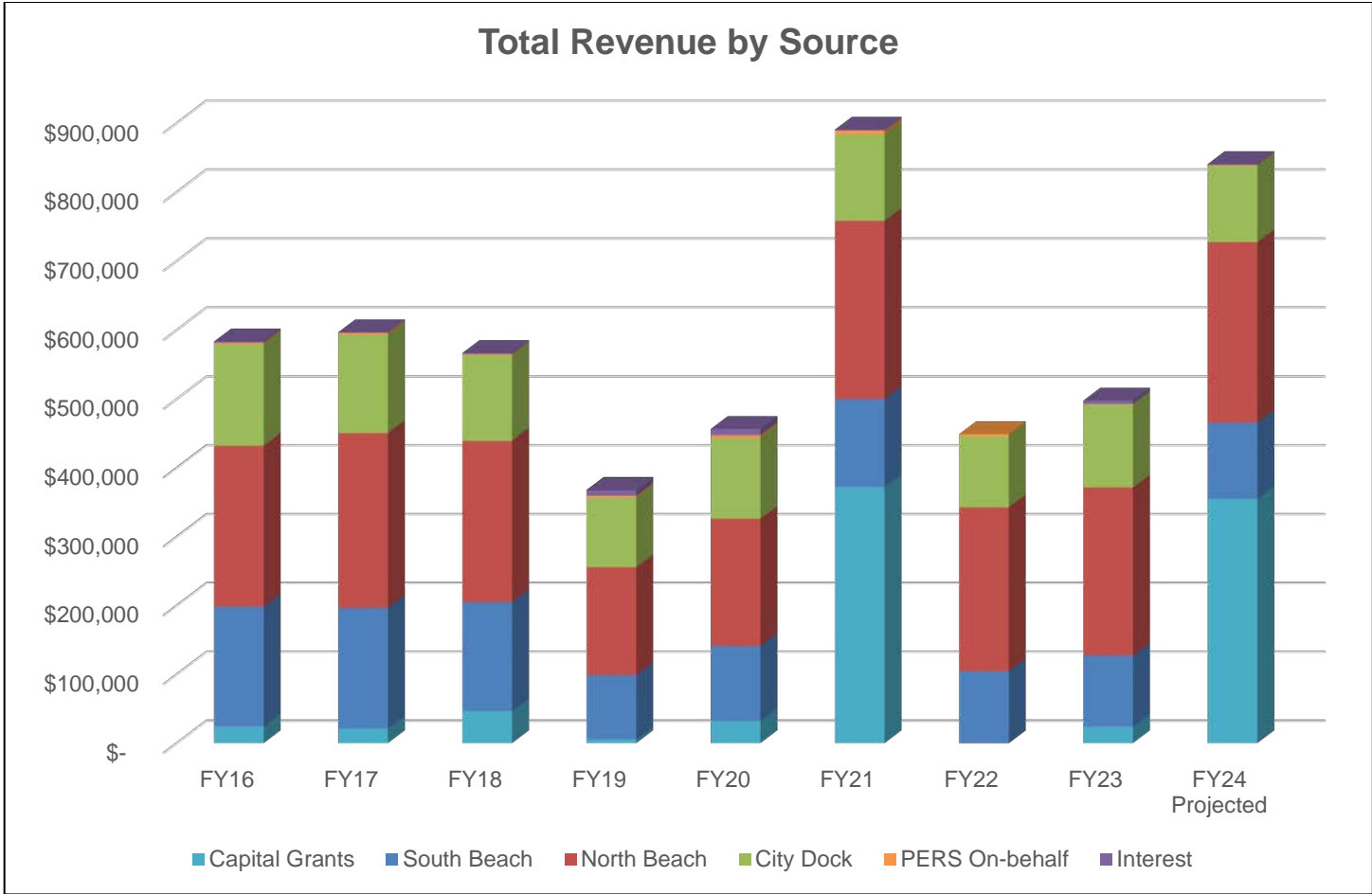
	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24 Projected</b>
South Beach	\$ 174,260	\$ 175,439	\$ 158,665	\$ 93,448	\$ 109,080	\$ 126,577	\$ 104,940	\$ 103,400	\$ 109,421
North Beach	234,140	253,218	234,298	157,293	185,269	258,782	238,471	244,436	262,345
City Dock	146,599	142,901	123,612	101,104	117,172	125,534	103,171	119,681	110,796
Interest	1,580	671	1,522	7,624	8,836	750	(4,412)	4,755	750
PERS On-behalf	2,167	2,688	1,546	2,743	3,355	5,688	2,394	694	1,270
Capital Grants	24,494	21,725	46,920	5,770	32,699	373,076	-	24,579	355,856
<b>Total</b>	<b>\$583,240</b>	<b>\$596,642</b>	<b>\$566,563</b>	<b>\$367,982</b>	<b>\$456,411</b>	<b>\$890,407</b>	<b>\$444,564</b>	<b>\$497,545</b>	<b>\$840,438</b>





Total transactions in 2023 were down 1% from 2022, and down 2% from the 5-year average. Person sessions were up 3% over previous years. North Beach continues to increase participation, while participation at the dock and South Beach declined 8% and 3%, respectively, which is a continuing trend. North Beach now accounts for 60% of all transactions, with the dock and South Beach each providing 20%.

The percentages of participants from different regions didn't vary significantly from previous years. 82% of participants are from outside the Kenai Peninsula, with 50% coming from Anchorage and 15% from the Matsu Valley. 7% percent of participants have a 99611 zip code.



## Future Considerations

### North Beach Third Shack

As the number of transactions continues to grow on North Beach, it may be necessary to provide a third fee shack at this location. The third shack would be located in the lower parking lot and serve as an information booth and a fee shack. Users could renew their permits or upgrade from drop-off passes without having to go up to the top of the hill. This would also provide an extra employee that could be used to backfill other shacks if an employee is sick or resigns. This facility would also serve as an information booth, answering questions, dealing with lost and found items, and could provide a safe location to store the AED.

The cost to provide this third shack would include both capital costs to setup the facility, as well as ongoing costs to cover the employee.



# KENAI

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

## MEMORANDUM

**TO:** Terry Eubank, City Manager  
**FROM:** Tony Prior, Fire Chief  
**DATE:** October 11, 2023  
**SUBJECT:** **Dipnet report for 2023**

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Fire Department dipnet related call volume in 2023 was higher than in previous years. This season we had 8 dipnet fishery calls reported compared to 4 in 2022, with 6 EMS calls and 2 boat rescue calls. We conducted 2 dipnet “no wake” patrols in coordination with KPD. Total overtime hours for boat patrols were 12.5 hours.

The Fire Department had the following service calls directly related to Dipnet Season:

<b><u>Fires</u></b>	0
<b><u>EMS Calls</u></b>	6
Trauma	3
Medical	3
Cardiac Arrest	0
<b><u>Boat Rescues</u></b>	2
<b><u>Boat Patrols</u></b>	2



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Dave Ross, Police Chief  
**DATE:** September 25, 2023  
**SUBJECT:** **2023 Dipnet Report - Police**

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The 2023 Dipnet fishery opened on July 10 and ended as scheduled on July 31. From July 23 until the end of the fishery on July 31, the fishery was open 24 hours per day. In 2023 the City employed five temporary enforcement officers (TEOs) dedicated to Police dipnet operations. Due to one leaving employment early, there were four TEOs the majority of the fishery. Significant 2023 Police dipnet information includes:

- Police handled 86 dipnet-related calls for service during the month of July, approximately 25% less than 2022. Those calls included a wide variety of issues: 14 (9-1-1) misdials, 5 parking problems, 1 traffic congestion, 5 motor vehicle crashes, 3 vehicle lock-outs, 8 lost & found property, 6 disorderly complaints, 2 boat collisions, 1 boat capsize, 5 camping complaints, 2 lost children, 1 theft, and 33 miscellaneous calls for service.
- Despite the very large influx of people on the busiest weekend there were no major police incidents to report during the fishery.
- TEOs wrote 67 dipnet related citations (primarily for paid parking and other parking related violations). This is a substantial reduction from prior years, and TEOs indicated there appeared to be less violators.
- Salmon Frenzy volunteers were again present at the fishery and provided invaluable assistance to the police department. Volunteers assisted at the beach with traffic flow along Kenai Avenue.
- Commercial setnet traffic on the beach was eliminated this year due to an emergency closure of that fishery. The City installed a bypass lane at the pay shacks for local traffic and those that already had purchased passes. This lane worked extremely well to reduce congestion on Spruce Street.
- The 2023 fishery went smoothly from the perspective of the police department.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubanks, City Manager  
**THROUGH:** Dave Ross, Police Chief  
**FROM:** Jessica “JJ” Hendrickson, Animal Control Chief  
**DATE:** November 6, 2023  
**SUBJECT:** **October 2023 Monthly Report**

This month the Kenai Animal Shelter took in **56** animals. Animal intake and disposition:

DOGS:				
	INTAKE	27	DISPOSITION	16
	Waiver	15	Adopted	10
	Stray	8	Euthanized	2
	Impound	0	Claimed	4
	Protective Custody	0	Field Release	0
	Quarantine	1	Transferred	0
	Other Intakes	3	Other Dispositions	0
CATS:				
	INTAKE	29	DISPOSITION	18
	Waiver	5	Adopted	15
	Stray	19	Euthanized	3
	Impound	0	Claimed	0
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred	0
	Other Intakes	5	Other Dispositions	0



OTHER ANIMALS:				
INTAKE	0	DISPOSITION	0	
Guinea Pig	0	Rabbit	0	
Bird	0	Bird	0	
Other	0	Guinea Pig	0	
DOA:	6	OTHER STATISTICS:		
Dog	4	Licenses (City of Kenai Dog Licenses)	8	
Cat	2	Rabies Clinic	0	
Rabbit	0			

- 1 Animal dropped with After Hours (days we are closed but cleaning and with KPD)
  - 24 Field Investigations & patrols
  - 9 Volunteer Hours Logged
  - 0 Citations
  - 0 Educational Outreach
  - 3 Microchip
- Total Animal Contacts:
- 13 Animals are *known* borough animals
  - 18 Animals are *known* City of Kenai
  - 4 Animals are *known* City of Soldotna
  - 1 Animals are *unknown* location

- Statistical Data:
- 513 2021 YTD Intakes
  - 419 2022 YTD Intakes
  - 460 2023 YTD Intakes





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Mary Bondurant, Interim Airport Manager  
**DATE:** November 6, 2023  
**SUBJECT:** **Airport Mid-month Report October 2023**

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2020/2021 Sand/SRE Storage Building – This project has a completion date of November 2023. Operations crew were able to haul 1,100 yards of sand into the heated sand bay in preparation for winter.

### FY2024 Airport Capital Improvement Projects

- Apron crack sealing, marking, and sealcoat  
HDL was awarded a professional services agreement on November 1, 2023. Engineers were on the apron Friday, November 3<sup>rd</sup> to evaluate the current apron asphalt conditions. This will aid in the environmental assessment and design documents for the project which will be bid in the Spring of 2024.
- Acquire SRE (Loader & Plow Truck with Sander)  
These SRE purchases will replace equipment that has exceeded its useful life cycle with replacement parts being difficult to procure and costly; 2012 loader with over 6,500 hours on it and a 2000 Sweepster (runway broom). The grant will be written in FY2024; however, the equipment has a lead time of one year.
- Airport Master Plan – Phase 1  
The last Airport Master Plan was completed in August 2017 and projects that the City identified as high priority in the Capital Improvement Program are either completed or in progress.

Phase 1 will include a survey base map, public involvement, airport inspection, issues identification, socioeconomic evaluation, aviation activity forecast, facility standards report, demand capacity analysis, facility requirements report, financial assessment, land use and economic development report, preliminary environmental review, and condition and needs assessment.

- ARFF Building Rehabilitation

This project replaces two boilers and HVAC controls at the Airport Operations Facility. One boiler has a cracked heat exchanger which has a temporary repair and three snow melt systems are not working. This facility houses the SRE equipment and the Airport Rescue and Firefighting trucks which must be housed in a state of operational readiness; a grant condition.

In-house Activities

- Rob McKinney, CEO, New Pacific Airlines d/b/a Ravn Alaska provided the City with their 60-day notice to withdraw from Kenai. City and Airport Administration will continue efforts to find a replacement airline.
- The Airport will once again be hosting a Christmas Tree decorating contest between the tenants in the terminal. Trees should be decorated and in place by Wednesday, November 22<sup>nd</sup>.
- The Airport filled the last temporary equipment operator position and has a full crew heading in the winter season.
- 5<sup>th</sup> Annual Kenai Peninsula Pumpkin Drop with Chili & Cornbread Cookoff. Kenai Aviation had a very successful event again this year held at the Airport Operations Facility. There were 38 participants in the pumpkin drop at the Kenai Meadows airstrip and 17 chili entries with cornbread. Everyone is very excited about next year!





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Dave Swarner, Finance Director

**DATE:** November 9, 2023

**SUBJECT:** Finance Department, October 2023 Mid-month Report

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The auditors were onsite this week and will return for follow up one day next week. The department will focus on preparation of the City's Annual Comprehensive Financial Report. This process includes closing of the FY23 financial records, fiscal year end grant reporting, completion of the annual Audit and finally financial statement preparation.

The department completed its portion for the City's Dip Net report. The report is a summation of information from various departments and includes a detailed analysis of the revenues and transaction activity.

Preparation will soon begin for the FY25 annual budget. Historical and future projections are provided to departments in December to assist in their budget preparation and much work takes place in putting this information together. In preparation for the budget process the department is seeking comments or requests from Council members on specific improvements they would like to see or information they would like included in the FY2025 budget process.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** John Harris, Deputy Fire Chief  
**DATE:** November 7, 2023  
**SUBJECT:** Fire Department Mid-Month Report – October.

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We experienced another increase in our service calls, in regard to a 2022/2023 comparison. Here are the calls for service break down.

October	2022	2023	% change
Month totals	129	146	13.2%
EMS	99	91	-8.1%
All Other	30	55	83.3%
Year total	1252	1305	4.2%

### Training:

- Nine (9) KFD members have been participating in an apprenticeship program in conjunction with the Alaska Department of Labor. This program is a hybrid combination of on-the-job training and the related technical instruction from HD Medical and Fire Services. It will allow for all KFD members to convert from AK EMT-3 status to AK-AEMT status.
- This above listed apprenticeship has been funded by a federal grant, which results in a cost savings of \$18,000. This would be the cost for the course alone, without factoring in ancillary costs such as OT coverage, supplies, etc.
- AEMT status will become the new minimum mandate for the current operational status of the City of Kenai Fire Department. This State of Alaska mandate will affect all emergency service providers, with a deadline of 12/31/2025.
- "A" shift and "B" shift personnel engaged in RIT/Rescue training with DC John Harris.
- "C" shift completed their quarterly shift training, regarding "low water operations" with Rescue Boat-2.
- FF Ben Nabinger instructed several KFD members in rope rescue drills, including rappelling, knotcraft, and rescue pod application.
- All crews have been working on Tower-1 scenarios/drills.
- All crews have been working on ground ladder operations.
- All KFD members attended Q/A Run Reviews with Dr. Michael Levy.

**Projects:**

- FM Jeremiah Hamilton, and corresponding shift personnel were able to complete all safety presentations within the local schools.
- Testing for the Firefighter position was conducted throughout the month of October. Kodi Shroll is the new candidate, and his first day will begin on 11/7/2023.
- All hose testing has been completed.
- FF Cory Lehl will attend the State of Alaska EMS Symposium in Anchorage, AK. The dates for the symposium will be November 14-18, 2023.





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Stephanie Randall, Human Resources Director  
**DATE:** November 8, 2023  
**SUBJECT:** Human Resources Activity – October 2023

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### Recruitment

Human Resources worked with various departments on several recruitments. Public Works selected an internal candidate, Scott Morris, to take on the role of the Shop Foreman, and is now conducting interviews for the Shop Mechanic. The Kenai Fire Department selected a firefighter with a start date of November 8, 2023. The Police Department is conducting background checks on potential candidates for both a Police Officer and a Public Safety Dispatcher. The Finance Department is recruiting for a Controller and has several qualified applicants at this time. The Airport was able to fill seven of their temporary Equipment Operator positions while the Streets Department is still recruiting to fill two of their temporary Equipment Operator positions. Applications continue to trend low, with most job postings requiring an extension to allow for a larger applicant pool.

### Safety/Training

One accident that resulted in property damage to a tailgate handle was reported. The damage was minor and the City shop was able to make the repairs.

### Special Projects

Human Resources continued work with the City's health and life insurance benefits consultant to prepare materials for Open Enrollment and negotiate contracts with Premera and Lincoln Financial.

Human Resources began work providing information to consultants from McGrath Human Resources Group to help them prepare for the classification study. Human Resources also began work with administration collecting information for the in-house compensation study.



# KENAI

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**MEMORANDUM**

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

**THROUGH:** Terry Eubank, City Manager

**THROUGH:** Katja Wolfe, Library Director

**FROM:** Hannah Meyer, Assistant to the Library Director

**DATE:** November 3, 2023

**SUBJECT:** **Library Report for October 2023**

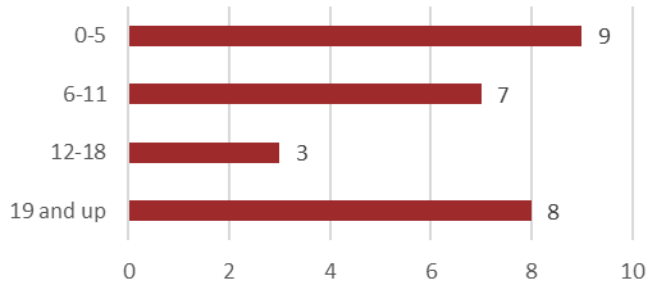
## OCTOBER 2023 AT A GLANCE

<b>Items Borrowed</b>	<b>Oct-22</b>	<b>Oct-23</b>	<b>2023 YTD</b>
Physical	6,568	6,406	67,578
Digital	1,510	1,867	16,754
<b>Services</b>			
New Memberships	48	68	595
Room Reservations	111	135	1,447
<b>Programs</b>			
Number of Programs	34	29	379
Program Attendance	328	421	6,505
<b>Technology Sessions</b>			
Computer sessions	477	539	5,348
WiFi Sessions	7,565	6,089	96,060
Early Literacy Station Sessions	282	476	3,461

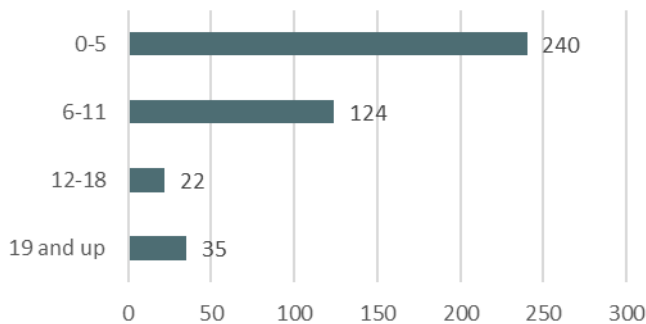


## OCTOBER 2023 PROGRAMMING

Number of In-Person Programs Per Age Group



Total Attendance Per Age Group



### HIGHLIGHTS

#### Kids

- 8 Story Times – 220 participants
- 5 Lego® Clubs – 96 participants
- 1 American Girl Club – 12 participants
- Make a Monster – 16 participants
- Pumpkin Decorating Contest – 164 participants

#### Teens

- Super Smash Bros – 11 participants
- Teen D&D Night – 9 participants

#### Adults

- 5 Tech Times – 18 participants
- Computer Basics @ the Senior Center – 4 participants
- Bad Art – 4 participants
- Blood on the Clocktower – 9 participants

## OCTOBER 2023 SERVICE HIGHLIGHTS

- Our study and conference rooms were used by 135 individuals/groups for a total of 263 hours
- Our Literary Haunted House was a spooktacular success with over 1,000 people creeping through its corridors between October 24<sup>th</sup> and 31<sup>st</sup>.
- In collaboration with the City of Kenai's Parks, Recreation & Beautification department, we distributed 164 pumpkins to children in Kenai and surrounding communities, ahead of the 8<sup>th</sup> Annual Fall Pumpkin Festival.
- Cool service alert: Want to learn to play the ukulele? Need to check your appliance's energy efficiency? Have some old slides that need to be digitized? Come to the library to check out one of our Library of Things for grownups. For more information, go to [www.kenai.city/library/page/adult-kits](http://www.kenai.city/library/page/adult-kits).





# KENAI

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Terry Eubank, City Manager

**FROM:** Tyler Best, Parks and Recreation Director

**DATE:** October 7, 2023

**SUBJECT:** Mid-Month Report-October

Halfway through the month, the last Park and Recreation Seasonal Crew left for the season. They finished several small projects, such as trail and arbor maintenance. The full-time crew started packing up all of our summer equipment and began prepping for winter. This includes preparing our Christmas lights and décor, which will start going up right after Halloween.

The Multi-Purpose Facility now has ice and is open for the community members. Something unique about this facility is we treat it like a sports field. It is left open for use when there is nothing scheduled. Kids and adults can play hockey on it or skate for fun. We leave it open until spring unless there is vandalism or Hockey tournaments.

Kenai slash site officially closed for the season and will open for one more summer next year. For the summer of 2023, the sash site collected 128.71 acres of slash.

### Kenai Rec. Center Visits-September

Weight Room/Cardio Room	1286
Racquetball	46
Walleyball	56
Shower/Sauna	0
Gymnasium	1720
Other	0
Gym Rental Visits	1455
<b>Total Number of Visits</b>	<b>4553</b>



## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** Linda Mitchell, Planning Director

**DATE:** November 8, 2023

**SUBJECT:** **Planning and Zoning – October 2023 Monthly Report**

### Application Summary

Planning and Zoning received 10 applications in October, carried over 7 applications, and completed 7 applications. A SUP application for tow yard on a city-owned property has expired. Therefore, it was removed from the list below.

Staff conducted two (2) pre-application meetings in collaboration with the Fire Marshal, Building Official, and/or Public Works Director.

<b>Applications</b>	<b>No. Received</b>	<b>Carried Over</b>	<b>Completed</b>	<b>In Progress</b>
<i>Planning</i>				
Building Permit	3	1	3	1
Sign Permit	2	2	3	1
Conditional Use Permit	0	1	0	1
Amendment	0	0	0	0
Time Extension	0	0	0	0
Transfer	0	0	0	0
Encroachment Permit	1	0	1	0
Landscaping/Site Plan	0	1	0	1
Home Occupation Permit	1	0	0	1
Plat	1	0	0	1
Easement/Right-of-Way	1	0	0	1
Variations/Exceptions	0	0	0	0
Variance	0	0	0	0

Zoning Map/Text Amendment	0	1	0	1
City-Initiated	0	0	0	0
<b>Lands &amp; Leases</b>				
Purchase	0	0	0	0
New Lease	0	0	0	0
Renewal/Extension	0	0	0	0
Amendment	0	1	0	1
Assignment	0	0	0	0
Development Incentive	0	0	0	0
Special Use Permit	1	0	0	1
<b>Total</b>	<b>10</b>	<b>7</b>	<b>7</b>	<b>10</b>

**Code Enforcement and Compliance**

In November, Planning and Zoning received three (3) new complaints and closed five (5) cases. There is a cumulative total of 21 open cases.

<b>Violations</b>	<b>No. of Open Cases</b>	<b>Carried Over</b>	<b>New</b>	<b>Closed</b>
<i>By Types</i>				
Abandoned Vehicle(s)	2	2	1	1
Building (e.g., as-built, damaged or decayed)	3	3	0	0
Conditional Use Permit	1	2	0	1
Junk and/or Refuse	6	5	2	1
Junk Vehicle(s)	4	4	0	0
Livestock	0	1	0	1
Signs	1	1	0	0
Recreational Vehicle(s)	0	0	0	0
Zoning (e.g., structures, setbacks, use)	4	5	0	1
<b>Total</b>	<b>21</b>	<b>23</b>	<b>3</b>	<b>5</b>

**List of Open Cases**

<b>Property Address</b>	<b>Date of Complaint</b>	<b>Type of Violation</b>
110 Aleene Way	5/4/2022	Junk Vehicles; Junk and/or Refuse
5264 Kenai Spur Hwy	5/12/2022	Junk and/or Refuse
508 Hemlock Avenue	5/13/2022	Junk and/or Refuse
9168 Kenai Spur Hwy	5/16/2022	Junk Vehicles; Junk and/or Refuse
311 Linwood Lane	6/17/2022	Junk and/or Refuse
1009 Second Avenue	8/12/2022	Zoning (Use)



305 Sterling Court	10/20/2022	Building (On-Hold)
700 Cypress Drive	10/24/2022	Junk Vehicles
345 Dolchok Lane	10/28/2022	Building; Zoning
312 Aspen Street	10/26/2022	Abandoned Vehicles
11888 Kenai Spur Hwy	11/17/2022	Zoning (Use)
12656 Kenai Spur Hwy	12/1/2022	Sign
4315 Lupine Drive	2/8/2023	Junk and/or Refuse
204 Lawton Drive	6/7/2023	Zoning (Home Occupation)
415 Roger Road	6/7/2023	Zoning (Home Occupation)
8525 Kenai Spur Hwy	7/5/2023	Junk Vehicle
418 Birch Street	8/1/2023	Building
<del>Wildwood Drive</del>	<del>9/12/2023</del>	<del>Abandoned Vehicles</del>
108 N Spruce Street	9/19/2023	Zoning (Use)
Swires Road	10/4/2023	Abandoned Vehicle
410 Tern Avenue	10/10/2023	Junk and/or Refuse
1231 Lilac Street	10/17/2023	Junk and/or Refuse

### Planning and Zoning Commission

One (1) public meeting was held in the month of October.

- Planning and Zoning Commission took actions as follows:
  - **Resolution PZ2023-20** - Granted an Encroachment Permit for a Multi-Tenant Commercial Building to Encroach into the Required (East) Side Yard Setback on the Property Located at 735 Baleen Avenue in the Limited Commercial (LC) Zoning District.
  - **Action** – Approved the Addition of a Condition to the Preliminary Plat – Strawberry Hill Estates 2023 Addition (Resolution PZ2023-15).





# KENAI

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## MEMORANDUM

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

**THROUGH:** Terry Eubank, City Manager

**FROM:** David Ross, Police Chief

**DATE:** November 6, 2023

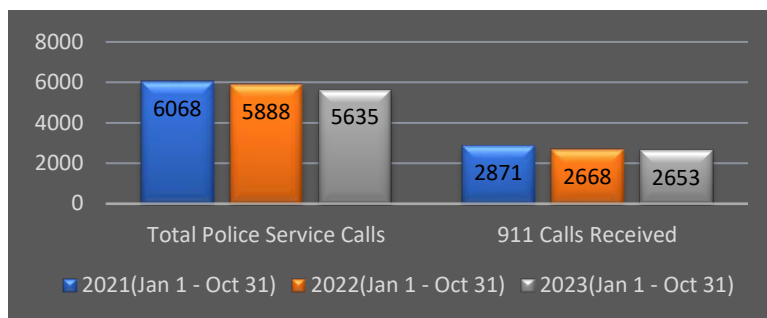
**SUBJECT:** **Police & Communications Department Activity – October 2023**

Police handled 566 calls for service in October. Officers made 44 arrests. Traffic enforcement resulted in 285 traffic contacts with 47 traffic citations issued and there were 7 DUI arrests. There were 21 reported motor vehicle collisions in October. Two of those collisions involved a moose and there was one collision involving drugs or alcohol.

The Department is still working to fill one Police Officer and one Dispatcher vacancy.

The dispatch center completed implementation of Prepared Live which included online training for all dispatchers. The system allows dispatch to send a caller a link, which the caller can choose to accept. That link can allow dispatch to see live video footage of what the caller is seeing from their phone, in addition to other valuable features.

The School Resource Officer (SRO) taught internet safety classes to approximately 150 sixth grade students at Kenai Middle School. The SRO is also teaching 8 DARE classes at Mountain View Elementary. The SRO dealt with a number of police calls in various schools in addition to attending various safety drills.





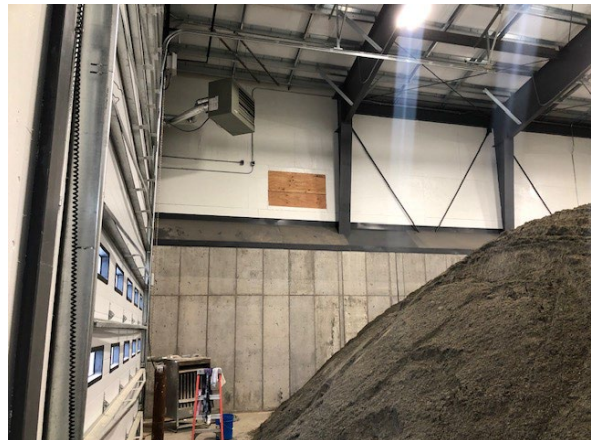
## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Terry Eubank, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** November 2023  
**SUBJECT:** **Mid-Month Report; Public Works / Capital Projects**

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### ***Airport Fund Projects:***

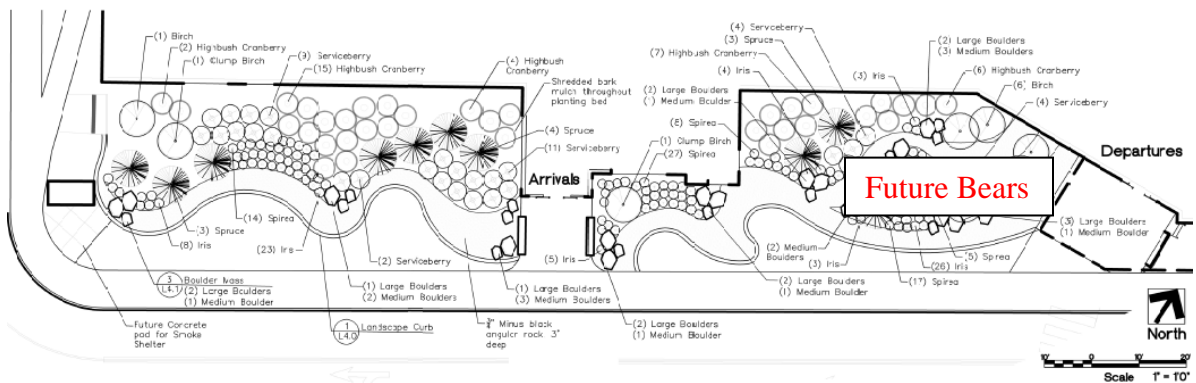
- Kenai Municipal Airport Sand Storage Facility – This project will provide warm storage for operational sand throughout the Airport. Orion Construction’s original contract was \$2,289,000, and after two change orders to date totaling \$43,308.03, approximately 2%, the revised contract is now \$2,332,308.03. The building is now fully stocked with sand, and the project’s Substantial Completion date is tracking toward November 17<sup>th</sup>, 2023. The facility has turned out very nice, and will be a tremendous asset to airport operations. We would like to extend our gratitude to HDL Engineering, Orion Construction, and Airport Operations Staff for their support and patience throughout this project.



Photos taken on November 8, 2023, sand bay is fully stocked.



- **Kenai Municipal Airport Runway Rehabilitation Project** – This project known as Task 4 within HDL Engineering Consultants LLC term service agreement with the City shall provided an initial assessment of the current condition of the airport runway. This included geotech work, coring numerous locations of the runway. On August 4<sup>th</sup>, 2021 HDL Engineering and staff successfully completed geotech borings of the runway after hours. On October 13<sup>th</sup>, 2021 HDL Engineering, City staff and the FAA discussed the findings of the geotech report. On December 6, 2021 the City received the draft Engineer’s Design Report (EDR) along with the draft Geotechnical Report. Ordinance 3278-2022 was approved on April 20<sup>th</sup>, 2022 to secure HDLs services through Bid Phase with a contract amendment of \$781,833 executed on May 6, 2022, bringing the total cost of design to \$1,031,833. Project was stalled at 35% Design as Environmental Compliance requirements were being clarified. Project is currently tracking for Runway Rehab Construction in 2025 with the Taxiways 2026 the following year, however this may slide a year, dependent upon FAA funding. Staff meeting was held in Anchorage with FAA Counterparts to discuss project on 3/8/23. March 27, 2023 staff meeting with DEC to discuss path forward for design services. Project is now moving forward again with Environmental Services toward a 65% design effort. Council approved a purchase order increase to HDL Engineering at the June 7<sup>th</sup>, 2023 to allow the environmental work to move forward. Airport Manager and Public Works Director met with HDL on 8/9/23 and reviewed the environmental documents status. On October 6, 2023 received email confirmation that DEC has approved the environmental work plan for the project. *On November 1, 2023 council approved a PO increase to cover the costs associated with performing the work identified in the environmental work plan. Shannon & Wilson, the company performing these services is due to be on site the week of November 27<sup>th</sup>.*
- **Kenai Municipal Airport (KMA) Terminal Landscaping** – *Earthscape LLC currently working under a design agreement at a cost of \$28,255 has completed their contracted efforts. The bronze bear elements could be placed within the landscape in the area indicated below if and when funding comes available for their purchase and installation. The other elements of the work can be bid for installation in the spring of 2024.*



- **Kenai Municipal Airport (KMA) Operations Building HVAC Controls Upgrade & Boiler Replacement** – This project was released for RFP on July 19, 2022 with proposals due on





August 16, 2022. MBA Consulting Engineers was the successful proposer awarded under Resolution 2022-63 approved by Council at the September 7, 2022 Council Meeting. Contract Documents were fully executed with MBA on October 31, 2022 for the contracted amount of \$47,726. November 10, 2022 will be the first site meeting with staff and engineering team. Design work is anticipated to continue through the winter months. 95% design documents were received on January 30, 2023. Project cost estimate is over budgeted amounts and staff is coordinating with design team to refine documents. Introducing Ordinance at the 8/16/23 council meeting to appropriate additional funding in support of the project. *An FAA grant is in the process, meeting was held on 11/7/23 with HDL Engineering to provide a cost to perform the required environmental compliance services required with a grant application. Construction Documents are being revised to include grant funding requirements.*

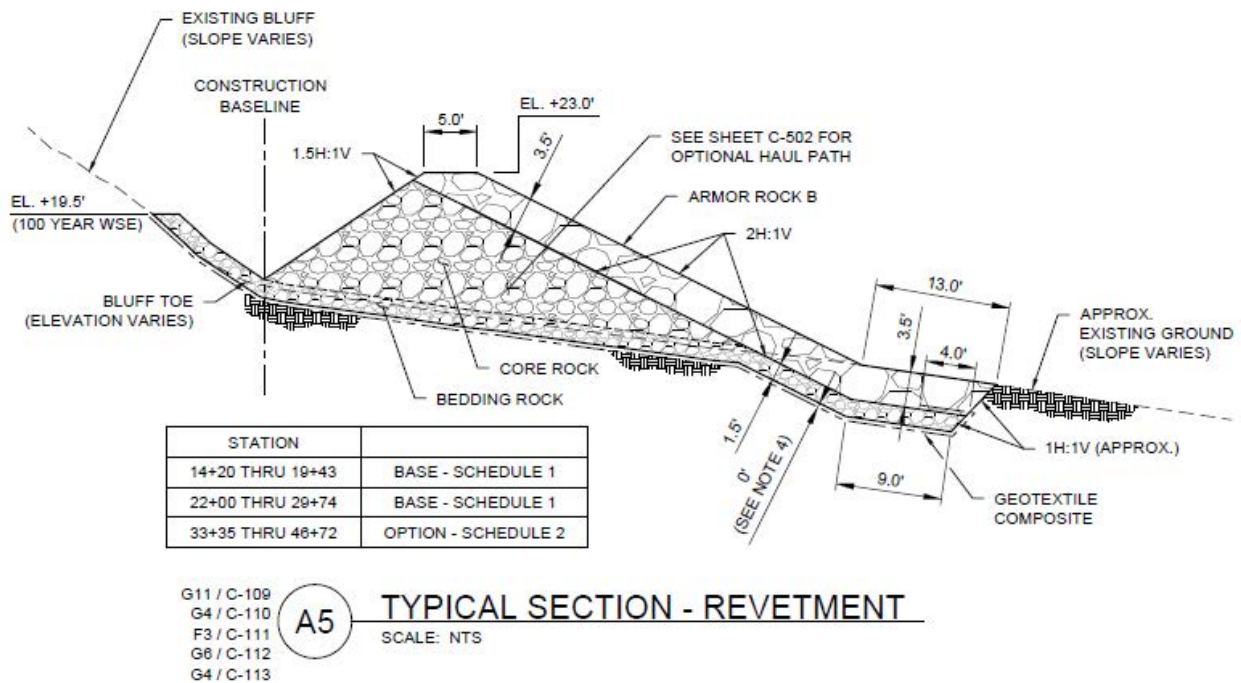
- Kenai Municipal Airport (KMA) Apron Crack Seal and Seal Coat – Staff received a design proposal from HDL Engineering to evaluate and develop bid ready construction documents in support of this project. Staff is coordinating with the FAA on grant approval. *Council approved Resolution 2023-64 at the November 1<sup>st</sup>, 2023 Council meeting which awarded the design to HDL Engineering. HDL staff was on site the week of November 6<sup>th</sup> evaluating existing apron conditions. Design will continue through the winter with Bid documents anticipated for March 2024.*

#### **General Fund Projects:**

- USACE Kenai Bluff Bank Stabilization Project – This project encompasses approximately 5000 lineal feet of coastal bluff starting at the mouth of the Kenai river extending upriver along the northern river bank. The bluff in this area varies from 55'-70' above the toe. A protective armored rock berm with a crest elevation of approximately 12' in height is planned. The project is approaching execution of a Project Partnership Agreement (PPA) tentatively scheduled for September 25, 2023. Tentative release of an Invitation to Bid (ITB) for Construction is currently tracking for November 20, 2023. Construction is anticipated to continue through the 2024 & 2025 construction seasons. Milestones to date listed below.
  - Director's Report April 10, 2019 USACE approved Project Feasibility
  - Section 221 Agreement MOU July 7, 2020 allows City to conduct design prior to DA
  - Design Agreement (DA) September 14, 2020 executed but not federally funded
  - Section 221 Agreement MOU February 11, 2021 allows City to construct prior to PPA
  - Design Contract executed with HDR Engineering July 6, 2021
  - City's 35% Design submission submitted to USACE on January 25, 2022
  - City's 65% Design submission submitted to USACE on April 28, 2022
  - Preliminary Engineering Design (PED) funding arrives on May 17, 2022
  - Value Engineering (VE) Workshop held with USACE / Design team June 21-24, 2022
  - PED / Construction Federal Funding arrives July 28, 2022
  - Advanced Technical Review (ATR) begins October 3, 2022
  - City of Kenai receives FEMA notification of enrollment in National Flood Insurance Program December 19, 2022, a condition of receiving Federal funding.



- Water Resources Development Act (WRDA 2022) late December 2022, this Bill has cost repercussions for the project which ultimately change the cost share between the City and USACE from 65% / 35% to 90% USACE / 10% City.
- Project Cost Certification received January 27, 2023, confirming sufficient funding
- USACE Headquarters Agreement draft PPA June 6, 2023 received by City
- City provides USACE Financial Self-Certification in support of PPA June 15, 2023
- City's 95% Design Submission after completion of all USACE back checks June 30, 2023
- Project Partnership Agreement (PPA) was successfully signed on September 25, 2023!
- *Received Real Estate Certification and Right of Entry Approval from USACE on November 3, 2023. This was a big step which allows for contracting to continue forward with the project.*
- Staff is coordinating with USACE for an approximate November 20, 2023 construction bid release.
- *Diagram below is from the current set of drawings and represents a typical section of the revetment.*



- Community Wildfire Prevention Plan (CWPP) Mitigation – This project will address beetle kill spruce trees on City property. The City has received grant funds in support of this project from the USDA and Alaska Division of Forestry. On November 3<sup>rd</sup> an Invitation to Bid was released in coordination with the Fire Department and Forest Service to perform mitigation services on approximately 105 acres of land through the No Name Creek Drainage from Redoubt Avenue extending to Cook Inlet. Five Bids were received on 12/13/22 with Doug Koch Professional Tree Service providing the winning bid at a cost of \$282,000. Work is anticipated to take place during allowable time frames over the next year. A Resolution to Award this Contract is before Council at the 12/21/22 Council Meeting. Construction Contract



was fully executed on February 28<sup>th</sup>, 2023 and contractor is actively working on project. Much of the North section is now cut with timber and slash still remaining to haul away, Section 4-5 which is largely a hand felling area has started mitigation, as well as the South section near Municipal Park which has had extensive work completed to date. Contractor has been performing well, work will slow down through the summer months per the grant requirements when beetles are known to spread and work will resume later this fall. Update: May 18, 2023 representatives from the USDA Forest Service as granting agency were in town and provided a tour of the work actively taking place. Review of project documents, invoices, drone footage, etc. was completed and received very well. Tree cutting work has now resumed as of September 5, 2023. *To date the contractor has invoiced for \$158,005.75, approximately 56% of the contracted work. Project has proceeded quickly and remains on time and on budget. While tree cutting was stopped for the summer months, contractor has hauled and stock piled slash that was cut earlier in the season.*

- Recreation Center Improvements – This project will replace the facilities roof system as well as numerous mechanical roof top HVAC units. Formal Invitation to Bid was released on February 23, 2023 with bids due on March 23, 2023. Orion Construction was the successful bidder with a total bid of \$1,425,700 as presented to Council through Resolution 2023-25 adopted at the April 5<sup>th</sup>, 2023 Council meeting. Construction will continue into the fall of 2023. Update: Mechanical HVAC Roof top units remain on order, expected in late December. Project is proceeding well and on schedule. Change Order 1 was executed on August 16, 2023 in the total amount of \$18,548.96, which included four items including replacement of the facilities electrical meter base at HEA's request. Total contract to date \$1,444,248.96 with \$170,026.75 remaining to be completed.
- Roadway Improvements – *The Roadway Improvement projects are now substantially complete. Work was split into three projects including N. Willow St, First Avenue, and Misc. Repairs. Nelson Engineering provided the design and construction admin services for all three projects. N. Willow design cost \$40,905 as originally contracted through council's approval of Resolution 2022-28. \$5,000 in design contingency was provided and used in support of the project, totaling design services at \$45,905. Knik Construction was awarded the construction contract at \$1,017,833. They have invoiced \$921,861.59 with approximately \$23K in work relating to drainage galleries and hydro-seeding to carry over to the spring. Total construction costs are expected to be \$70,000 under budget. On First Avenue Nelson Engineering's contract was for \$25,509 with an available \$5,000 contingency. They have billed \$25,275.13 to date, expecting to be just under budget. Fosters Construction was awarded the construction contract at a cost of \$205,831 and work was fully completed at \$181,741, roughly \$24,000 under budget. The Misc Repairs project contract with Nelson Engineering was for \$25,514 with an available \$5,000 contingency which was fully used for a total design effort of \$30,514. Fosters Construction contract was for \$260,080 and all work was completed for \$255,720.23, a little over \$4,000 under budget. Projects were successfully completed on time and under budget. We would like to thank Nelson Engineering, Knik Construction and Foster's Construction for their work on the projects.*



- Multi-purpose Facility – The Building Maintenance Department completed all of the pressure washing and rust prevention coatings in house. That portion of the project was completed on time and on budget and allowed for ice to go back in on schedule. Staff continues to work on ventilation solutions as well as some UV Heat lamps to replace the natural gas heaters suspended from the ceiling near the seating areas. Once a scope of work is finalized by the department these additional items will be released for bids. Currently roughly \$71,000 of the \$155,000 in funding has been expended. A Proposal Quote Request (PQR) was released on June 30<sup>th</sup> with quotes due on July 13<sup>th</sup>. MBA Consulting Engineers was the only respondent at a cost of \$30,580. Design work will cover ventilation, lighting, bleacher radiant heating and will take place through November. Contract documents were fully executed on September 8, 2023.
- Cemetery Expansion – This project is located at the corner of First Ave and Float Plane Rd and will provide for additional burial space as the existing adjacent cemetery has reached capacity. The Public Works Department using in house personnel has already cleared, leveled and graded the site, and placed and compacted a gravel sub-base for the parking area. Staff has successfully surveyed in 64 adult plot sites and 12 infant plot sites. These sites are available through the Clerk’s office. Cemetery Phase 2 Fencing was released for bids on July 26<sup>th</sup> with bids due on August 9<sup>th</sup>. Council will see legislation for a contract award at the August 16<sup>th</sup>, 2023 meeting. AAA Fence, Inc was the successful bidder at a cost of \$147,595, their contract was fully executed on September 8, 2023. *All fencing materials have now been installed, final closeout docs received and final invoices are in process for payment. Fence was installed as contracted, no changes to work necessary.* Staff will coordinate with Parks and Rec and the design team to finalize project needs for next year. Parking lot paving will not be completed until next construction season along with HEA power being brought into the property.



- Softball Shelter Dugouts – Larsen Engineering has been awarded the design work for the dugouts. Design requirements are being discussed with the engineer, however this project is moving slowly as staff and engineer are heavily involved in other projects. Project will move forward shortly as staff time becomes available.



- Lilac Ln. Roadway Improvements – RFP was released on 8/8/23 for Professional Civil Engineering and CA Services to develop bid ready construction documents for this project. Proposals are due on 8/28/23. Council will see legislation to award a professional services agreement at either the 9/6/23 or 9/20/23 council meeting. Design work will take place over the winter for a summer 2024 construction date. This project is located between the Spur Highway and Cook Inlet Dr. Resolution 2023-54 was approved by Council at the September 6, 2023 Council meeting. Nelson Engineering is now actively working on the project design. Test holes have been completed and a site survey is underway. Total contract for design is currently \$38,840.
- Cemetery Creek Culvert Replacement - RFP was released on 8/8/23 for Professional Civil Engineering and CA Services to develop 35% design documents for this project. Proposals are due on 8/28/23. This project is in coordination with the US Fish & Wildlife. Work involves replacement of several aging culverts with fish passage type culverts. 35% design documents will be used to apply for grant funding. Two proposals were received by the Department with PND Engineer's receiving the highest scoring proposal at a total cost of \$29,577. PND is now under contract. 9/28/23 a site meet was conducted with PND, City staff, & US Fish & Wildlife to discuss and review the project. 10/11/23-10/12/23 surveyors are on site developing an existing conditions field survey. *Coordination with the USFW on grant funding opportunities is underway.*

#### ***Water & Sewer Fund Projects:***

- Lift Station Renovations – Resolution 2021-58 awarded HDL Engineering agreement in the amount of \$59,560 to provide bid ready construction documents for three lift stations. These locations included the stations at mile posts 13 and 14, which are near the soccer fields and Spur / Redoubt Ave respectively, as well as a station on Lawton Drive. These locations are intended to receive new pumps and pump control panels as part of this project. After determination of which lift stations would receive renovations to start, a design meeting was held on 12/3/21 to discuss pump and control panel design. Basis of design memo received on January 6, 2022. Design documents are approaching 95%. Design is finally approaching completion. Challenges with our current SCADA team required some changes to different lift station controllers which has now been resolved.
- Wastewater Plant Digester Blowers Replacements – HDL Engineering was authorized to proceed on design documents for this project through passage of Resolution 2022-29 on May 18, 2022. Design Agreement is currently in the amount of \$382,513 and will provide bid ready construction documents for the replacement of two 40+ year old blowers at the WWTP. The Department received 35% Design Study Report on September 23, 2022 and the project is currently moving toward 65% design documents. A grant for this project has been applied for through Senator Murkowski's office through the Congressional Directed Spending (CDS) program. We are awaiting word on if we were successful in receiving grant funds. This is a high priority project for the department and is anticipated to provide further energy savings



similar to the aeration basin blower replacement project completed a few years ago. Final 65% plan reviews are being conducted on site with HDL on 12/19/22, bid documents are expected to be ready 5/1/23 and if funding is in place will be bid immediately, if not will be delayed until funding arrives. Environmental review process is delayed as we are not sure of the grant requirements at this time, and may not know until a future grant is executed. Until then this will be a shovel ready project waiting on funding. May 5<sup>th</sup> a Community Grants Webinar was held to discuss the pending grant requirements, the Public Works Director and HDL Engineering participated in the webinar. Consultants are reviewing requirements and hope to have the design moving forward shortly. Project will not be able to be bid until funding formally arrives. *Design team is actively working with granting agency.*

- Water Treatment Plant Pumphouse – This project will construct a new pumphouse building and provide replacement distribution pumps for the City's Water System. On August 1, 2023 received letter that the State of Alaska Department of Environmental Conservation (ADEC) has awarded the City of Kenai a \$1,200,000 loan through the state's revolving fund program and that the loan would receive 100% forgiveness in support of this project. *Resolution 2023-56 was approved by Council at the September 20, 2023 Council Meeting to allow access to these funds. Staff is working on grant application requirements.*
- WWTP & WTP Electronic Access Gate & Controls – On August 13, 2023 HDL Engineering provided a proposal under their term agreement to begin design work on the Electronic Access Gates projects at both the Water and Wastewater Plants. The project identified as Task 13 under their agreement has a proposed design cost of \$24,902. Design work will continue over the winter months for construction to take place next summer.

#### **Senior Citizens Fund Projects:**

- Senior Center Front Entry Modifications – Capital Project Manager is developing scope of work for this project to address operation of automatic entry doors.

#### **Congregate Housing Fund Projects:**

- Vintage Pointe Boiler Replacement – A RFP for design services was released on October 6, 2022 with proposals due on November 3, 2022. Design work will continue into the winter with a construction bid release expected at the end of the first quarter 2023. This project will replace outdated boiler heat systems for the facility as well as providing a direction on backup power generation to support the heating system when grid power is unavailable. No proposals were received, the Department is requesting approval to enter negotiations with RSA Engineering in the hopes of moving the project forward. RSA Engineering is under contract and is expected to start design in early January 2023. On February 3, 2023 RSA Engineering provided draft 65% Design Documents. Staff is currently reviewing. Engineering has a planned site visit for February 15, 2023 scheduled. We are anticipating bid documents being ready for an April Construction Bid release. 100% Design Documents are were received from the RSA Engineering on April 14<sup>th</sup>. Council approved Resolution



2023-30 on May 3<sup>rd</sup> to reallocate funds for the project. Invitation to Bid was released on August 2, 2023 with bids due on August 23, 2023. Council approved Resolution 2023-53 at the September 6, 2023 meeting which awarded construction agreement to Orion Construction in the total amount of \$503,850. Contract has now been executed and submittals are actively in progress in support of the project. Boiler work is not expected to take place until spring when work will be less impactful on residents.

***Other Projects Information:***

- DOT Kenai Spur Highway to Sports Lake Rd – This project continues to wait for appropriation of state funds. Reached out to DOT staff on September 13, 2023, no new information provided at this time.
- DOT Bridge Access Road Bike Path – Council passed Resolution 2021-53 on August 4, 2021 authorizing the City Manager execute a memorandum of agreement with DOT for design, construction, and maintenance of the Kenai Bridge Access Road Pathway project. In speaking with representatives from DOT the state has not provided funding as yet for this project to move forward. To date the City has appropriated \$294,947 in support of this project which is intended to provide a 1.2 mile path connecting the paths between the Spur Highway and Beaver Loop. Total cost of project per DOT estimates equals \$3,266,301. Per communications with the DOT, design funding is in place and they are waiting on final signatures for the Reimbursable Services Agreement (RSA) with DNR. Once the RSA is approved they will be able to begin design work. Process is expected to be completed by the end of January. Update: Formal kickoff meeting took place on March 30<sup>th</sup> with the City Manager and Public Works Director in attendance. From appearances this design process will be a slow one, we are not anticipating seeing construction on the path this calendar year. Will continue to update as more information becomes available. Update: A site meeting will be taking place between the City, DNR, & DOT on 6/9/22 to review the project. HDL Engineering appears to be conducting surveying services in support of the project, crews were in the area on 6/7/22. On June 29, 2022 the City Manager & Public Works Director met with DOT representatives and discussed projects. State funding continues to be an issue. Reached out to DOT staff on September 13, 2023, no new information provided at this time.
- DOT Boat Launch Road Fish Passage Culvert – Council approved a construction easement to allow DOT access to replace the roadway culvert at the intersection of Boat Launch Rd and Bridge Access at the April 5<sup>th</sup> Council meeting. Work is anticipated to start later this year in coordination with the River Center to minimize impacts to fish entering the watershed.





# 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:** Terry Eubank, City Manager  
**THROUGH:** Kathy Romain, Senior Center Director  
**FROM:** Astrea Piersee, Administrative Assistant III  
**DATE:** November 1, 2023  
**SUBJECT:** **October 2023 Monthly Report**

October signified the transition from Summer/Fall to the unofficial start of the Winter season. Volunteers closed up shop of the centers greenhouse and helped prep the flowerbeds for the long winter ahead. Seniors once again welcomed children of all ages to enjoy trick or treating fun at the center. Children chatted with the center’s seniors and enjoyed searching for tasty treats! Finally, to close out the month of October, the Kenai Senior Center hosted its monthly waffle day and made it more community-minded by inviting the Kenai Police Department to join in the fun. Seniors enjoyed having “Waffles with a Cop”, fostering a sense of community and camaraderie.

	2023	2022
Home Delivered Meals	2252	1639
Individuals	118	91
Dining Room (Congregate) Meals	1351	774
Individuals	144	132
Transportation (1-way rides)	208	185
Individuals	25	21
Grocery Shopping Assistance	17/35	10/42
Writers Group	23	21
Caregiver Support Group	9	13
Growing Stronger Exercise	282	229
Tai Chi Class	19	39
TOPS Weight Loss Class	29	27
Bluegrass & Music Sessions	48	79
Card Games	124	125
Wii Bowling	32	32
Arts & Crafts	28	44
Total Event Sign-ins *	2099	1133
Individuals *	203	192
Vintage Pointe Manor Vacancies	0	1

\*(not including home meals clients)