



Kenai Harbor Commission - Special Meeting
Regular Meeting
December 08, 2025 - 6:00 PM
Kenai City Hall - Council Chambers
210 Fidalgo Ave., Kenai, AK 99611

Telephonic/Virtual Information on Page 1

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval

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

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

D. APPROVAL OF MINUTES

1. November 10, 2025 Regular Meeting Minutes

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. **Action/Approval** – Recommending Approval of Proposed Ordinance to City Council Regarding Sunsetting the Harbor Commission

G. REPORTS

1. Public Works Director
2. Commission Chair
3. City Council Liaison

H. ADDITIONAL PUBLIC COMMENTS *(Public comments limited to five (5) minutes per speaker)*

I. COMMISSIONER COMMENTS AND QUESTIONS

J. ADJOURNMENT

K. INFORMATION ITEMS

Registration is required to join the meeting remotely through Zoom. Please use the link below to register:

<https://us02web.zoom.us/meeting/register/M-pFtCKiRrOIPwpe-grClw>

The agenda and agenda items are posted on the City's website at www.kenai.city. Copies of the agenda items are available at the City Clerk's Office or outside of Council Chambers prior to the meeting. Please contact the Public Works Director at 907-283-8236 for additional details.

****COMMISSIONERS, PLEASE CONTACT US IF YOU WILL NOT BE ABLE TO ATTEND THE MEETING****

**KENAI HARBOR COMMISSION – REGULAR MEETING
NOVEMBER 10, 2025 - 6:45 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEANNE KEATON, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Harbor Commission was held on November 10, 2025, in the Kenai City Council Chambers, Kenai, AK. Chair Keaton called the meeting to order at approximately 6:45 p.m.

1. Pledge of Allegiance

Chair Keaton led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeanne Keaton, Chair
Zachary Rohr

Lisa Gabriel (*remote participation*)
Matthew Moffis, Vice Chair

A quorum was present.

Also in attendance were:

Lee Frey, Public Works Director
Lisa List, Public Works Administrative Assistant
Phil Daniel, City Council Liaison

3. Agenda Approval

MOTION:

Vice Chair Moffis **MOVED** to approve the agenda as presented. Commissioner Rohr **SECONDED** the motion.

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

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. April 7, 2025 Regular Meeting Minutes

MOTION:

Vice Chair Moffis **MOVED** to approve the April 7, 2025 Harbor Commission minutes. Commissioner Rohr **SECONDED** the motion.

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

E. UNFINISHED BUSINESS - None.

F. NEW BUSINESS

1. Discussion/Action - Review of Commission Role, Future Status and Possible Sunset.

A summary review of the work session conducted immediately preceding the meeting was provided, noting there were other City Commissions whose duties overlapped those of the Harbor Commission; and, if the Harbor Commission was sunset, it could always be brought back in the future if needed.

There was discussion regarding the role of the Commission being communications with the public and communicating that information to the City Council; the City did not have a harbor; Commissioner Rohr stated he had made QR codes for receiving dipnetting recommendations from the public, with only two being received from the thousands of people who participate in dipnetting.

Director Frey outlined the process moving forward with the recommendation to sunset the Harbor Commission, and provided clarification on what would occur should the Commission not have a quorum available to meet on final recommendation to Council.

MOTION:

Commissioner Gabriel **MOVED** to recommend the City Council consider sunseting the Harbor Commission. Commissioner Rohr **SECONDED** the motion.

VOTE:

YEA: Gabriel, Keaton, Moffis, Rohr

NAY: None

MOTION PASSED.

G. REPORTS

1. Public Works Director - Director Frey reported on the following:
 - 2025 Dipnet Report was included in the November 5, 2025 City Council Packet.
 - New floats for the Dock were received, the streets crew would be working on them over the winter.
2. Commission Chair - No report.
3. City Council Liaison - Council Member Daniel reported on recent actions of the City Council.

H. ADDITIONAL PUBLIC COMMENTS - None.

I. NEXT MEETING ATTENDANCE NOTIFICATION - February 10, 2026.

There was discussion regarding moving the next meeting to December, as there were Commissioners terms ending on December 31, 2025, who did not intend to reapply. The next meeting date requested was December 8, 2025.

J. COMMISSION QUESTIONS AND COMMENTS - None.

Chair Keaton thanked everyone for their service.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS - None.

There being no further business before the Harbor Commission, the meeting was adjourned at 6:32 p.m.

I certify the above represents accurate minutes of the Harbor Commission meeting of November 10, 2025.

Logan Parks
Deputy City Clerk

MEMORANDUM

TO: Chair Keaton and Harbor Commission Members

THROUGH: Lee Frey, Public Works Director/Harbor Master

FROM: Kevin Buettner, Planning Director

DATE: November 25, 2025

SUBJECT: **Action/Approval – Recommending Approval of Proposed Ordinance to City Council Regarding Sunsetting the Harbor Commission**

On November 10, 2025 the Harbor Commission met in a work session for the purpose of discussing the Commission Role, Future Status and Possible Sunset. Commission discussion during the work session included the following:

- Over the last two-and-a-half years there was nothing required of the commission; the commission had been trying to create agenda items.
- Numerous meetings cancelled due to lack of a quorum or lack of agenda items.
- Difficulty keeping commissioners.
- Now that the Bluff Stabilization project was complete, there were no foreseeable future project for the commission.
- Activities of the commission overlapped and duplicated activities of other commissions. During the regular meeting, immediately following the work session the Harbor Commission unanimously approved a motion recommending the City Council sunset the Harbor Commission

On November 19, 2025, City Council approved a motion to direct Administration to draft the necessary legislation to sunset the Commission to be brought forth at a Special Meeting of the Harbor Commission. In summary, the attached Ordinance would:

- Amend Kenai Municipal Code 1.90.010 – General Standards
 - Remove reference to the Harbor Commission
- Repeal KMC 1.95.040 – Harbor Commission
 - Removes the Harbor Commission from code
- Repeal KMC 11.20 – Leasing of Tidelands
- Amends KMC 14.05.010 – Duties and Powers
 - Transfers most Harbor Commission duties and powers to Planning & Zoning Commission

- Enacts KMC 22.10 – Leasing of Tidelands
 - Moves repealed language from KMC 11.20 (above) to Title 22 – City-Owned Lands
 - Adds additional provisions for leasing all tidelands, to include shore fisheries
 - Brings review all city-owned land leases under Planning & Zoning Commission
- Amends Council Policy 20.020 to reflect the sunseting of the Harbor Commission





**CITY OF KENAI
ORDINANCE NO. XXXX-2025**

AN ORDINANCE Sunsetting the Harbor Commission, Amending Kenai Municipal Code 1.90.010 - General Standards for Standing Advisory Commissions, Repealing Kenai Municipal Code 1.95.040 - Harbor Commission, Repealing Kenai Municipal Code 11.20 - Leasing of Tidelands, Amending Kenai Municipal Code 14.05.010- Duties and Powers, Enacting Kenai Municipal Code 22.10 - Leasing of Tidelands, and Amending Council Policy 20.020 to Reflect the Sunsetting of the Harbor Commission

WHEREAS, the Harbor Commission was originally established as a Port Commission in 1975; and,

WHEREAS, the Harbor Commission has held an instrumental role in planning and developing the City's tideland leases, including recommending changes to Kenai Municipal Code, requiring an amendment; and,

WHEREAS, within the last several years due to a lack of agenda items or lack of quorum, the Harbor Commission has cancelled numerous meetings and with the completion of the City's Bluff Erosion Project and few other known Harbor activities in the future it is reasonable to expect the Harbor Commission will have few other agenda items moving forward in the near future; and,

WHEREAS, on November 10, 2025 the Harbor Commission met in a work session and a regular meeting for the purpose of discussing its role, future status and possible sunset of the Commission; and,

WHEREAS, during the regular meeting on November 10, 2025 the Harbor Commission Members unanimously approved a motion to recommend the City Council sunset the Commission; and,

WHEREAS, the City Council during their November 19, 2025 meeting approved a motion directing the Administration to bring forward the legislation necessary to sunset the Commission; and,

WHEREAS, the Harbor Commission during their December 8, 2025 Special Meeting recommended the City Council enact this Ordinance; and,

WHEREAS, the Planning and Zoning Commission during their December 10, 2025 Meeting recommended the City Council enact this Ordinance; and,

WHEREAS, while the Harbor Commission can always be brought back if needed, this Ordinance shifts its prior duties and obligations to other sections of code including the duties of the Planning Commission

WHEREAS, Kenai Municipal Code 1.90.010-Creation provides that the Council may create or dissolve standing advisory commissions and it is in the best interest of the City to enact this ordinance.

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

Section 1. Amendment of Section 1.90.010 of Kenai Municipal Code: That Kenai Municipal Code, Section 1.90.010 - General Standards for Advisory Commissions, Creation, paragraph (a) is hereby amended as follows:

1.90.010 Creation.

- (a) Standing advisory commissions of the City may be created or dissolved by an ordinance of the City Council. The following standing advisory commissions have been created by the Council:

- (1) Airport Commission, as established in KMC 1.95.010;
- (2) Beautification Commission, as established in KMC 1.95.020;
- (3) Council on Aging Commission, as established in KMC 1.95.030;

[(4)] HARBOR COMMISSION, AS ESTABLISHED IN KMC 1.95.040;]

[(5)] (4) Parks and Recreation Commission, as established in KMC 1.95.050.

Section 2. Repeal of Section 1.95.040 of Kenai Municipal Code: That Kenai Municipal Code, Section 1.95.040 - Standard Advisory Commissions, Harbor Commission, is hereby repealed as follows:

[1.95.040 HARBOR COMMISSION.

(A) PURPOSE. THE PURPOSE OF THE HARBOR COMMISSION IS TO ADVISE THE COUNCIL AND ADMINISTRATION ON ISSUES INVOLVING CITY HARBOR FACILITIES AND TIDAL OR SUBMERGED LANDS OWNED BY THE CITY.

(B) DUTIES AND POWERS. THE HARBOR COMMISSION WILL:

- (1) REVIEW AND PROVIDE RECOMMENDATIONS ON ANY MASTER PLANS FOR THE DEVELOPMENT OF HARBOR OR PORT FACILITIES FOR THE CITY. THIS MAY INCLUDE:

- (I) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC HARBOR FACILITIES; AND

- (II) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING HARBOR FACILITIES;

- (2) ACT IN AN ADVISORY CAPACITY TO THE COUNCIL AND ADMINISTRATION REGARDING MATTERS RELATED TO CITY HARBOR FACILITIES, TIDE OR SUBMERGED LANDS. MAKE RECOMMENDATIONS TO THE COUNCIL AND ADMINISTRATION RELATIVE TO THE CARE, CONTROL, AND DEVELOPMENT OF TIDE AND SUBMERGED LANDS; AND

- (3) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF THE RECOMMENDED CAPITAL IMPROVEMENTS WHICH, IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING FIVE (5) YEAR PERIOD. SUCH LIST WILL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS ARE RECOMMENDED FOR CONSTRUCTION IN WHICH YEAR; AND

- (4) REVIEW ALL CITY LEASES OF CITY-OWNED TIDE AND SUBMERGED LANDS AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL AND ADMINISTRATION; AND

- (5) PROVIDE INFORMATION AND RECOMMENDATIONS AS REQUESTED BY THE CITY COUNCIL AND ADMINISTRATION; AND

- (6) ADVISE AND PROVIDE RECOMMENDATIONS TO THE ADMINISTRATION AS REQUESTED ON THE QUALIFICATIONS FOR A HARBOR MASTER.

(C) QUALIFICATIONS AND MEMBERSHIP. MEMBERS OF THE HARBOR COMMISSION WILL CONFORM TO THE REQUIREMENTS OF KMC CHAPTER 1.90, EXCEPT THE COMMISSION MAY AT THE DISCRETION OF THE COUNCIL HAVE UP TO TWO (2) NONRESIDENT MEMBERS.]

Section 3. Repeal of Section 11.20 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 11.20 – Leasing of Tidelands, is hereby repealed as follows:

[CHAPTER 11.20 – LEASING OF TIDELANDS

11.20.020 - LANDS AVAILABLE FOR LEASING.

ALL CLASSIFIED TIDE AND CONTIGUOUS SUBMERGED LANDS WITHIN THE LIMITS OF THE CITY TO WHICH THE CITY HOLDS TITLE MAY BE LEASED FOR SURFACE USE ONLY, AND UNDER THE CONDITION THAT SAID LEASE IS SUBJECT AND INFERIOR TO PREFERENCE RIGHT CLAIMS AND SUBJECT TO THE RIGHTS OF EXISTING SET NET HOLDERS WITHIN THE CITY LIMITS.

11.20.650 – TIDELANDS CLAIMS.

THE CITY SHALL LEASE THE LAND SUBJECT TO ANY PREFERENCE RIGHTS CLAIMS MADE PURSUANT TO THE PROVISIONS OF ALASKA STATUTES 38.05.820 OR ORDINANCE 455-78, DATED SEPTEMBER 5, 1979, OF THE CITY OF KENAI, ADOPTED PURSUANT THERETO, AND THE LESSEE HOLDS LESSOR HARMLESS FOR ANY DAMAGES, LEGAL EXPENSES, OR COMPENSATION NECESSITATED BY THE RESOLUTION OR SATISFACTION OF SAID TERMS OF SAID CLAIMS, IF ANY.

11.20.660 – SUBJECTION TO HARBOR ORDINANCE.

ALL LEASES ARE SUBJECT TO THE TERMS, CONDITIONS, AND REGULATIONS IMPOSED BY TITLE 11, HARBOR AND HARBOR FACILITIES, OF THE 1979 KENAI CODE OF ORDINANCES AS AMENDED OF WHICH THIS SECTION IS PART.

11.20.680 – PROVISIONS REGULATING PUBLIC USE PURPOSE.

THE CITY COUNCIL REALIZES THAT ONLY A LIMITED AREA OF TIDELANDS BORDERING NAVIGABLE WATERS IS AVAILABLE WITHIN THE CITY OF KENAI AND WHICH IS OWNED BY THE CITY OF KENAI. IT WOULD BE IN THE PUBLIC INTEREST TO INSURE THAT THESE LANDS DO NOT PASS OUT OF COMMUNITY CONTROL AT LEAST TO THE EXTENT THAT THE PUBLIC WOULD NOT BE DEPRIVED OF HARBOR SERVICES AT REASONABLE RATES IN THE FUTURE. THEREFORE, AREAS OF CITY-OWNED TIDELANDS WHICH ARE DEVELOPABLE FOR THE BONA FIDE PUBLIC PURPOSES AS ENUMERATED BELOW SHALL BE LEASED ONLY WITH THE FOLLOWING COVENANTS DEFINED TO INSURE PUBLIC USE AND ACCESS AT REASONABLE RATES.

11.20.690 – PROVISION TO BE INCLUDED IN PUBLIC USE LEASE.

KMC 11.20.700 SHALL BE INCLUDED IN LEASES WHERE HARBOR FACILITIES ARE CONSTRUCTED TO BE UTILIZED ALL OR IN PART FOR BONA FIDE PUBLIC USES.

11.20.700 – PUBLIC USE: DEFINED.

(A) PUBLIC USE SHALL MEAN A USE LIMITED IN PART OR IN WHOLE TO THE FOLLOWING:

(1) IN GENERAL, THE LESSEE MAY USE THE DEMISED PREMISES OR PART THEREOF FOR ANY OF THE FOLLOWING PURPOSES ONLY:

- (I) PUBLIC DOCK FACILITIES.
- (II) MARITIME COMMERCE.
- (III) TRANSPORTATION.
- (IV) FISHING.
- (V) BOAT HARBOR.
- (VI) PORT AND WATERFRONT DEVELOPMENT PURPOSES.

(B) BEFORE LESSEE MAY CONDUCT ANY ACTIVITIES WHICH FALL UNDER THESE GENERAL CRITERIA, BUT ARE NOT SPECIFICALLY MENTIONED ABOVE, LESSEE MUST OBTAIN WRITTEN CONSENT OF THE CITY.

11.20.710 – CONTROLLED ACCESS.

LESSEE, FOR ITS OWN PROTECTION, MAY CONSTRUCT OR INSTALL FENCES, GATES, OR OTHER TYPES OF BARRIERS TO RESTRICT ACCESS TO PORTIONS OF THE DEMISED PREMISES THAT ARE NOT DESIGNATED FOR A PUBLIC USE AND MAY PROVIDE REASONABLE CONTROLS FOR ACCESS TO PUBLIC USE AREAS TO ALLOW FOR SECURITY FOR SUCH AREAS WHILE INSURING REASONABLE PUBLIC ACCESS. REASONABLE PUBLIC ACCESS INCLUDES ACCOMMODATIONS MADE FOR FISHING OPERATIONS DURING FISHING SEASON. ANY CONTROLLED ACCESS MEASURES SHALL BE INDICATED ON THE LESSEE'S DEVELOPMENT PLAN.

11.20.720 – USE CHARGES.

LESSEE SHALL MAKE REASONABLE AND NONDISCRIMINATORY CHARGES TO THE PUBLIC FOR USE OF ANY OF ITS FACILITIES.

11.20.780 – PENALTIES.

(A) IT IS UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THIS CHAPTER AND UPON CONVICTION THEREOF SHALL BE FINED AS PROVIDED FOR VIOLATIONS IN KMC 13.05.010. EACH DAY SUCH VIOLATION IS COMMITTED OR PERMITTED TO CONTINUE SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE AS SUCH HEREUNDER.

(B) IN ADDITION TO OR AS AN ALTERNATIVE TO THE ABOVE PENALTY PROVISION, THE CITY MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT AS PROVIDED BY KMC 13.05.010 PER DAY FOR THE VIOLATION OF ANY PROVISION OF THIS CHAPTER AND SEEK INJUNCTIVE RELIEF FOR ANY INFRACTION THEREOF FOR WHICH THE OFFENDING PARTY WILL BE CHARGED FOR REASONABLE ATTORNEY'S FEES AND COSTS INCURRED BY THE CITY AS AWARDED BY THE COURT.

(C) NOTHING IN THIS SECTION SHALL BE DEEMED TO RESTRICT THE CITY'S EXERCISE OF ANY OF ITS RIGHTS PURSUANT TO THE LEASE AGREEMENT.

11.20.790 – TIDELANDS LEASES FOR SHORE FISHERIES.

NOTWITHSTANDING OTHER PROVISIONS OF THE CITY'S CODE OF ORDINANCES, THE ANNUAL MINIMUM RENTAL RATE FOR TIDELAND LEASES USED PRIMARILY FOR SHORE FISHERIES SHALL BE AN ANNUAL FEE AS SET FORTH IN THE CITY'S SCHEDULE OF FEES ADOPTED BY THE CITY COUNCIL. HOWEVER, SHOULD THE STATE OF ALASKA SET AN ANNUAL LEASE RATE HIGHER THAN THAT ESTABLISHED BY THE CITY FOR SIMILAR TIDELAND LEASES FOR SHORE FISHERIES ON LAND OWNED BY THE STATE, THE CITY MAY AMEND THE ANNUAL RENTAL TO A RATE EQUAL TO THAT CHARGED BY THE STATE OF ALASKA.

Section 4. Amendment of Section 14.05.010 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.05.010 – Planning and Zoning Commission, Duties and Powers, is hereby amended as follows:

14.05.010 Duties and Powers.

(a) The Commission shall be required to perform the following duties:

(1) Review and act upon requests for variance permits, conditional use permits, planned unit residential development permits, and other matters requiring consideration under the Kenai Zoning Code.

(2) Interpret the provisions of the Kenai Zoning Code and make determinations when requested by the Administrative Official.

(3) Review the City of Kenai Comprehensive Plan on an annual basis and conduct a minimum of one (1) public hearing. Said recommendations shall be forwarded to the Council for consideration.

(4) Promote public interest and understanding of comprehensive planning, platting, zoning, land management, and other issues relating to community planning and development.

(5) Proposed plans for the rehabilitation or redevelopment of any area or district within the City.

(6) Perform historic preservation reviews and duties as set forth in KMC [14.20.105](#).

(7) Review and provide recommendations on any master plans for the development of harbor or port facilities for the City. This may include:

(i) Development of the type, location, and sequence of all public harbor facilities; and

(ii) The relocation, removal, extension, or change of use of existing harbor facilities;

(8) Submit annually to the City Manager and Council, not less than ninety (90) days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five (5) year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year

(b) The Commission shall act in an advisory capacity to the Kenai City Council regarding the following matters:

(1) Kenai Zoning Code and Official City of Kenai Zoning Map amendments.

(2) City and airport land lease or sale petitions.

(3) Capital Improvements Programming. The Commission shall submit annually to the Council a list of recommended capital improvements which, in the opinion of the Commission, are necessary and desirable to be constructed during the forthcoming three (3) year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

(4) Related to City Harbor facilities, tide or submerged lands. Make recommendations to the Council and Administration relative to the care, control, and development of tide and submerged lands

(c) The Commission shall act in an advisory capacity to the Kenai Peninsula Borough Planning Commission regarding the following matters:

(1) Subdivision plat proposals.

(2) Right-of-way and easement vacation petitions.

(3) City of Kenai Comprehensive Plan amendments.

(d) Members of the Planning and Zoning Commission shall be compensated at the rate of one hundred dollars (\$100.00) per month.

Section 5. Enactment of Chapter 22.10 of Kenai Municipal Code: That Kenai Municipal Code, Section 22.10 – Leasing of Tidelands is hereby enacted as follows:

Chapter 22.10 Leasing of Tidelands

22.10.005 - Definitions.

When used in this chapter, the following terms will have the meaning given below:

“Amendment” means a formal change to a lease of lands other than a lease extension or renewal.

“Annual rent” means an amount paid to the City annually according to the terms of the lease and Kenai Municipal Code.

“Assignment” means the transfer of all interest in a lease from one (1) person or entity to another.

“City” means the City of Kenai, its elected officials, officers, employees or agents.

“Existing lease” means a lease with at least one (1) year of term remaining.

“Expiring lease” means a lease with less than one (1) year of term remaining.

“Lease renewal” means a new lease of property currently under an existing or expiring lease to an existing lessee or a purchaser.

22.10.010 – Authority and Intent.

The provisions of this chapter apply to the leasing of City-owned tidelands, including tidelands used for shore fisheries as specified in KMC 22.10.021 below. The provisions of this chapter will not alter or amend the terms or rights granted under leases existing prior to the effective date of the ordinance codified in this chapter.

22.10.015 - Lands Available for Leasing.

All classified tide and contiguous submerged lands within the limits of the City to which the City holds title may be leased for surface use only, and under the condition that said lease is subject and inferior to preference right claims and subject to the rights of existing set net holders within the City limits.

22.10.020 – Tidelands Claims.

The City will lease the land subject to any preference rights claims made pursuant to the provisions of Alaska Statutes 38.05.820 or Ordinance 455-78, dated September 5, 1979, of the City of Kenai, adopted pursuant thereto, and the lessee holds lessor harmless for any damages, legal expenses, or compensation necessitated by the resolution or satisfaction of said terms of said claims, if any.

22.10.021 – Tidelands Leases for Shore Fisheries.

(a) The annual minimum rental rate for tideland leases used primarily for shore fisheries will be an annual fee as set forth in the City’s schedule of fees adopted by the City Council. However, should the State of Alaska set an annual lease rate higher than that established by the City for similar tideland leases for shore fisheries on land owned by the State, the City may amend the annual rental to a rate equal to that charged by the State of Alaska.

(b) The maximum term of a lease for tidelands used for shore fisheries may not to exceed ten (10) years, in accordance with Alaska Statute 38.05.24.

(c) Kenai Municipal Code Sections 22.10.021 through 22.10.045 and 22.10.071 apply to shore fisheries, in addition to other tideland leases.

(d) Rent will be paid annually in advance. The City of Kenai's fiscal year beginning July 1st and ending June 30th.

(e) The lease applicant will execute and return the appropriate lease agreement with the City of Kenai within forty-five (45) days of mailing the agreement to the applicant. The lease agreement will be prepared in accordance with the requirements of this title. Failure to execute and return the lease agreement within the specified period will result in the forfeiture of all leasing rights.

(f) A Lessee under an existing lease will, upon expiration or the termination by mutual agreement of said Lease, be allowed a preference right to re-Lease those lands previously leased by them if all other sections of the Kenai Municipal Code are complied with. Re-Leasing will not necessarily be under the same terms and conditions as the prior lease. When the lease is offered to the preference right holder, they will exercise their right within thirty (30) calendar days after said lease is offered by the City. Failure to do so will result in forfeiture and cancellation of the preference right. No preference right will inure to a Lessee whose lease has been terminated by cause.

22.10.025 – Qualifications of Lease Applicants or Bidders.

An applicant or bidder for a lease is qualified if the applicant or bidder:

(a) Is an individual at least eighteen (18) years of age; or

(b) Is a legal entity which is authorized to conduct business under the laws of Alaska; or

(c) Is acting as an agent for another meeting the requirements of subsection (a) or (b) of this section and has qualified by filing with the City a proper power of attorney or a letter of authorization creating such agency.

22.10.030 – Initial Lease Application

All applications for lease of lands must be submitted to the City Manager or designee on an application form provided by the City. Applications will be dated on receipt and must include payment of the nonrefundable application fee as set forth in the City's schedule of fees approved by the City Council.

22.10.035 – Lease Application Review

(a) Applications will be reviewed by City staff for application completeness and conformance with City ordinances.

(b) Based on the initial review, if the City Manager determines the application is complete, the application will be referred to the Planning and Zoning Commission for review and comment, together with the City Manager's recommendation for approval or rejection.

(c) Notice of complete applications for new leases, renewals or extensions will be published by the City and posted on the property. The notice must contain the name of the applicant, a brief

description of the land, and the date upon which any competing applications must be submitted (thirty (30) days from the date of publication).

(d) The recommendations of the City Manager and the Planning and Zoning Commission will be provided to the City Council. The City Council shall determine whether the lease, renewal, amendment or extension is consistent with the intent of this chapter and in the best interest of the City. The decision whether or not to lease land or authorize a lease extension, renewal, amendment or assignment rests in the sole discretion of the City Council.

(e) If the applicant is in default of any charges, fees, rents, taxes, or other sums due and payable to the City or the applicant is in default of a requirement of any lease or contract with the City a lease will not be entered into until the deficiencies are remedied.

22.10.040 – Application for Lease Amendment, Assignment, or Renewal

Applications for amendment, assignment, extension or renewal will be processed in accordance with the lease application review provisions of this chapter. Only applications that change the use of the tidelands will be referred to the Planning and Zoning Commission. All others are not subject to review by the Planning & Zoning Commission. The City has no obligation to amend, assign, renew or extend a lease and may decline to do so upon making specific findings as to why a lease amendment, assignment, renewal, or extension is not in the best interest of the City.

22.10.045 – Competing Land Applications

If another application for a new lease or a renewal is received for the same property within thirty (30) days from the notice of application publication date by a different applicant, City staff will process the application and forward the application, the City Manager's recommendation and Planning and Zoning Commission recommendations to the City Council for approval of the application anticipated to best serve the interest of the City. The City Council may approve one (1) of the applications, reject all the applications or direct the City Manager to award a lease of the property by sealed bid. An applicant for a renewal may withdraw an application for a renewal or extension at any time prior to a decision by the City Council whether or not to approve such a renewal.

22.10.050 – Length of Lease Term

(a) The length of term for an initial lease will be based on the amount of investment the applicant proposes to make in the construction of new permanent improvements on the premises as provided in the application. The City Council may offer a shorter lease term, if the City Council makes specific findings that a shorter lease term is in the best interest of the City.

(b) The maximum term of a lease for all tideland leases not associated with shore fisheries, will be determined according to the following term table and cannot exceed forty-five (45) years:

<u>APPLICANT'S INVESTMENT/VALUE</u>	<u>MAXIMUM TERM OF YEARS</u>
<u>\$7,500</u>	<u>5</u>
<u>15,000</u>	<u>6</u>

<u>APPLICANT'S INVESTMENT/VALUE</u>	<u>MAXIMUM TERM OF YEARS</u>
<u>22,500</u>	<u>7</u>
<u>30,000</u>	<u>8</u>
<u>37,500</u>	<u>9</u>
<u>45,000</u>	<u>10</u>
<u>52,500</u>	<u>11</u>
<u>60,000</u>	<u>12</u>
<u>67,500</u>	<u>13</u>
<u>75,000</u>	<u>14</u>
<u>82,500</u>	<u>15</u>
<u>90,000</u>	<u>16</u>
<u>97,500</u>	<u>17</u>
<u>105,000</u>	<u>18</u>
<u>112,500</u>	<u>19</u>
<u>120,000</u>	<u>20</u>
<u>127,500</u>	<u>21</u>
<u>135,000</u>	<u>22</u>
<u>142,500</u>	<u>23</u>

<u>APPLICANT'S INVESTMENT/VALUE</u>	<u>MAXIMUM TERM OF YEARS</u>
<u>150,000</u>	<u>24</u>
<u>157,500</u>	<u>25</u>
<u>165,000</u>	<u>26</u>
<u>172,500</u>	<u>27</u>
<u>180,000</u>	<u>28</u>
<u>187,500</u>	<u>29</u>
<u>195,000</u>	<u>30</u>
<u>202,500</u>	<u>31</u>
<u>210,000</u>	<u>32</u>
<u>217,500</u>	<u>33</u>
<u>225,000</u>	<u>34</u>
<u>232,500</u>	<u>35</u>
<u>240,000</u>	<u>36</u>
<u>247,500</u>	<u>37</u>
<u>255,000</u>	<u>38</u>
<u>262,500</u>	<u>39</u>
<u>270,000</u>	<u>40</u>

<u>APPLICANT'S</u> <u>INVESTMENT/VALUE</u>	<u>MAXIMUM TERM</u> <u>OF YEARS</u>
<u>277,500</u>	<u>41</u>
<u>285,000</u>	<u>42</u>
<u>292,500</u>	<u>43</u>
<u>300,000</u>	<u>44</u>
<u>307,500</u>	<u>45</u>

(c) Lease Extension. The length of term for a lease extension will be determined based on the remaining term of the initial lease and the estimated cost of new investment the applicant proposes to make in the construction of new permanent improvements on the premises according to the term table and provided no extension will extend a lease term past forty-five (45) years.

(d) Lease Renewal for an Existing Lease. A renewal for an existing lease requires the construction of new permanent improvements, and the length of term for a lease renewal for an existing lease will be determined as follows:

(1) Based on the remaining term of the initial lease according to the term table and the estimated cost of new investment the applicant proposes to make in the construction of new permanent improvements on the premises according to the term table; or

(2) Pursuant to a transaction between the current lessee and a new buyer and prospective lessee and based on the purchase price of existing real property improvements on the premises, as certified by the current lessee and the proposed purchaser in the bill of sale or purchase agreement, to be executed at closing of the transaction and the estimated cost of new investment in the construction of new permanent improvements on the premises according to the term table.

(3) The term for renewal of an existing lease cannot exceed forty-five (45) years.

(e) Lease Renewal for an Expiring Lease. The length of term for a lease renewal of an expiring lease will be determined as follows:

(1) The purchase price of existing real property improvements on the premises, as certified by the current lessee and the proposed purchaser in the bill of sale or purchase agreement, to be executed at closing of the transaction and the estimated cost of any new investment in the construction of new permanent improvements on the premises according to the term table; or

(2) A professional estimate of the remaining useful life of the real property improvements on the premises, paid for by the applicant, and the estimated cost of any new investment in the construction of new permanent improvements on the premises according to the term table; or

(3) A fair market value appraisal of the existing real property improvements on the premises, paid for by the applicant, and the estimated cost of any new investment in the

construction of new permanent improvements on the premises according to the term table.

(4) The term for renewal of an existing lease cannot exceed forty-five (45) years.

(f) If the initial lease, term extension, or lease renewal granted to the applicant requires construction of new permanent improvements, the lease or term extension will be subject to the following conditions:

(1) The lessee to complete the proposed permanent improvements within three (3) years except in special circumstances that require a longer period of time and which must be approved by the City Council in the initial lease or unless additional time is approved after the lease is executed as provided in subsection (f)(5) of this section.

(2) The lessee to provide a performance bond, deposit, personal guarantee, or other security if the City Council determines security is necessary or prudent to ensure the applicant's completion of the permanent improvements required in the lease, renewal, or extension. The City Council will determine the form and amount of the security according to the best interest of the City, after a recommendation by the City Manager considering the nature and scope of the proposed improvements and the financial responsibility of the applicant.

(3) At no expense to the City, the lessee must obtain and keep in force, during the term of the lease, insurance of the type and limits required by the City for the activities on the premises.

(4) Within thirty (30) days after completion of the permanent improvements, the lessee will submit to the City written documentation that the improvements have been completed as required. The City Manager will make a report to the City Council of completion as soon as reasonably practical.

(5) If the lessee shows good cause and evidence of progress towards completion of the proposed improvements, including but not limited to building permits, invoices for site-specific building materials, or third party contracts for construction, as well as updated financial information as required in KMC 22.05.025(b)(4) and the City Council determines the action is in the best interest of the City, the City Council may grant an extension of the time initially not to exceed twelve (12) months to complete permanent improvements by resolution that is sufficient to allow for the completion of the permanent improvements or for submission of documentation that the permanent improvements have been completed. A final twelve (12) month extension may be granted by separate resolution of Council if the lessee meets the same criteria for the first twelve (12) month extension and provides a performance bond, deposit, personal guarantee or other security interest sufficient to satisfy the Council that the improvements will be completed and Council determines the final extension is in the best interest of the City.

(6) If, within the time required, the applicant fails to complete the required permanent improvements, the City will:

(i) If the application is for a new lease or lease renewal, execute the forfeiture of the performance bond, deposit, personal guarantee, or other security posted by the applicant under subsection (f)(2) of this section to the extent necessary to reimburse the City for all costs and damages, including administrative and legal costs, arising from the applicant's failure to complete the required improvements, and/or initiate cancellation of the lease or reduce the term of the lease to a period consistent with the portion of the improvements substantially completed in a timely manner according to the best interest of the City.

(ii) If the application is for a lease extension, the City will terminate the amendment extending the term of the lease or reduce the term of the extension at the City's sole discretion.

22.10.051 – Principles and Policy of Lease Rates

(a) Annual rent will be computed by multiplying the fair market value of the land by a lease rate percentage of eight percent (8%) for each parcel; and

(b) The City will determine the fair market value of the land requested to be leased based on an appraisal conducted for the City by an independent real estate appraiser certified under Alaska State statutes and ordered by the City for the purpose of determining annual rent. The appraisal will be paid for by the applicant, and the cost of the appraisal will be credited or refunded to the lessee once development is completed as required by the lease. The fair market value of the land will be adjusted annually based on the rate of inflation determined by the Consumer Price Index (CPI) to determine annual rent; and

(c) The City will conduct a land market analysis of City-owned land under lease once every ten (10) years to determine whether a market adjustment in either fair market value of land or lease rate percentage is justified; and

(d) If the City determines from the market analysis that a market adjustment to the lease rate percentage is in the best interest of the City, the new lease percentage must be approved by an ordinance and utilized to compute annual rents for the next fiscal year; and

(e) If the market analysis or extraordinary circumstances determine a fair market value adjustment is in the best interest of the City, the City will retain the services of an independent real estate appraiser certified under Alaska State statutes to determine the fair market value of all leased land and will use these values to compute annual rents for the next fiscal year; and

(f) The City will adjust the annual rent of a lease by giving the lessee written notice at least thirty (30) days prior to application of a new annual rent determination; and

(g) If a lessee disagrees with the proposed change in the fair market value of land or lease rate percent (excluding CPI determinations, which cannot be appealed) and cannot informally resolve the issue with the City, the lessee must:

(1) Provide notice of appeal in writing within ninety (90) days of notification supported by the written appraisal of a qualified real estate appraiser, selected and paid for by lessee (the "second appraiser"); and

(2) The City and the lessee will meet to attempt to resolve the differences between the first appraiser and the second appraiser concerning the fair market value of the land or lease rate percent; and

(3) If the City and lessee cannot agree upon the fair market value or lease rate percent then they will direct the first appraiser and the second appraiser to mutually select a third qualified real estate appraiser, paid for jointly by the parties (the "third appraiser"); and

(4) Within thirty (30) days after the third appraiser has been appointed, the third appraiser will decide which of the two (2) respective appraisals from the first appraiser and the second appraiser most closely reflects the fair market value of the land or lease rate percent; and

(5) The fair market value of the land or lease rate percent will irrefutably be presumed to be the value(s) contained in such appraisal selected by the third appraiser, and the rent will be redetermined based on such value(s); and

(6) Rent will continue to be paid at the then-applicable rate until any such new rental rate is established, and lessee and the City will promptly pay or refund, as the case may be, any variance in the rent, without interest accruing to the extent to be paid/refunded.

22.10.055 – Provisions Regulating Public Use Purpose.

The City Council realizes that only a limited area of tidelands bordering navigable waters is available within the City of Kenai and which is owned by the City of Kenai. It would be in the public interest to ensure that these lands do not pass out of community control at least to the extent that the public would not be deprived of harbor services at reasonable rates in the future. Therefore, areas of City-Owned tidelands which are developable for the bona fide public purposes as enumerated below will be leased only with the following covenants defined to ensure public use and access at reasonable rates.

22.10.060 – Provision to Be Included in Public Use Lease.

KMC 22.10.065 will be included in leases where harbor facilities are constructed to be utilized all or in part for bona fide public uses.

22.10.065 – Public Use: Defined.

(a) Public use will mean a use limited in part or in whole to the following:

(1) In general, the lessee may use the demised premises or part thereof for any of the following purposes only:

(i) Public dock facilities.

(ii) Maritime commerce.

(iii) Transportation.

(iv) Fishing.

(v) Boat harbor.

(vi) Port and waterfront development purposes.

(b) Before lessee may conduct any activities which fall under these general criteria, but are not specifically mentioned above, lessee must obtain written consent of the City.

22.10.066 – Ownership of Improvements

(a) Permanent improvements on the premises, excluding site development materials, constructed, placed, or purchased by the lessee remain the lessee's property as long as a lease for the premises remains in effect with the lessee, including renewals, any period of extension approved by the City pursuant to the provisions of this chapter, or any period of holdover.

(b) Unless otherwise provided in a land lease, at the expiration, cancellation, or termination of a lease that is extended or followed by a successive lease, the departing lessee may do one (1) or more of the following:

(1) Remove lessee-owned permanent improvements from the premises, remediate any contamination for which the lessee is responsible, and restore the premises to a clean and neat physical condition acceptable to the City within ninety (90) days after the expiration, cancellation, or termination date of the lease; or

(2) Sell lessee-owned permanent improvements to the succeeding lessee, remove all personal property, remediate any contamination for which the lessee is responsible, and leave the premises in a clean and neat physical condition acceptable to the City within sixty (60) days after notice from the City that the City has approved an application for a lease of the premises by another person or such longer period specified in the notice, but in no event more than one hundred eighty (180) days after the expiration, termination, or cancellation date of the lease.

(c) If the lessee does not timely remove or sell the lessee-owned permanent improvements on a premises in accordance with the requirements of this section, any remaining permanent improvements and any remaining personal property of the departing lessee will be considered permanently abandoned. The City may sell, lease, demolish, dispose of, remove, or retain the abandoned property for use as the City determines is in the best interest of the City. The lessee will, within thirty (30) days after being billed by the City, reimburse the City for any costs reasonably incurred by the City, including legal and administrative costs, to demolish, remove, dispose, clear title to, or sell the abandoned property and to remediate any contamination and restore the premises.

(d) Site development materials that a lessee places on a premises become part of the City-owned real property and property of the City upon placement. The lessee:

(1) Must maintain the site development work and site development materials throughout the term of the lease or successive lease, including any extensions and periods of holdover; and

(2) May not remove the site development materials unless the City approves in writing.

22.10.070 – Lease Execution & Utilization.

The lease applicant will execute and return the appropriate lease agreement with the City of Kenai within thirty (30) days of mailing the agreement to the applicant. The lease agreement will be prepared in accordance with the requirements of this title. Failure to execute and return the lease agreement within the specified period will result in the forfeiture of all leasing rights.

Leased lands will be utilized for purposes within the scope of the application, the terms of the lease and in conformity with the ordinances of the City, and in substantial conformity with the Comprehensive Plan. Utilization or development for other than the allowed uses will constitute a material breach of the lease and subject the lease to cancellation at any time. Failure to substantially complete the development plan for the land will constitute grounds for cancellation.

22.10.071 – Form of Lease.

When leasing land under this chapter, the City Manager will use a standard lease form that:

(1) Provides a reasonable basis for the lessee's use of the premises;

(2) Complies with the intent of this chapter;

(3) Provides for the best interest of the City;

(4) Is approved as to form by the City Attorney; and

(5) Is adopted by resolution of the City Council.

22.10.072 – Lease Payments.

(a) Upon execution of the lease, the land becomes taxable to the extent of the lessee's leasehold interest and lessee will pay all real property taxes levied upon such leasehold interest in these lands, and will pay any special assessments and taxes.

(b) Rent will be paid annually in advance unless the lessee submits a written request to the City to pay on a quarterly or monthly basis. The payments will be prorated to conform to the City of Kenai's fiscal year beginning July 1st and ending June 30th.

(c) Lessee will be responsible for all sales taxes due on payments under the lease.

22.10.073 – Special Use Permits

The City Council may authorize the City Manager to grant special use permits for the temporary use of real property owned by the City for a period not to exceed one (1) year, without appraisal of the value of the property or public auction, for any purpose compatible with the zoning of the land, and on such terms and for such rentals as the Council will determine.

22.10.075 – Controlled Access.

Lessee, for its own protection, may construct or install fences, gates, or other types of barriers to restrict access to portions of the demised premises that are not designated for a public use and may provide reasonable controls for access to public use areas to allow for security for such areas while ensuring reasonable public access. Reasonable public access includes accommodations made for fishing operations during fishing season. Any controlled access measures will be indicated on the lessee's development plan.

22.10.080 – Use Charges.

Lessee will make reasonable and nondiscriminatory charges to the public for use of any of its facilities.

22.10.085 – Penalties.

(a) It is unlawful for any person to violate any of the provisions of this chapter and upon conviction thereof will be fined as provided for violations in KMC 13.05.010. Each day such violation is committed or permitted to continue will constitute a separate offense and will be punishable as such hereunder.

(b) In addition to or as an alternative to the above penalty provision, the City may impose a civil penalty in an amount as provided by KMC 13.05.010 per day for the violation of any provision of this chapter and seek injunctive relief for any infraction thereof for which the offending party will be charged for reasonable attorney's fees and costs incurred by the City as awarded by the court.

(c) Nothing in this section will be deemed to restrict the City's exercise of any of its rights pursuant to the lease agreement.

Section 6. That City Council Policy No. 20.020 - Standing Commissions and other Advisory Body Procedures as amended and attached is hereby adopted.

Section 7. 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 8. 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 7TH DAY OF JANUARY, 2026.

Henry H. Knackstedt, Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	Month DD, 2025
Enacted:	Month DD, 2026
Effective:	Month DD, 2026

CITY COUNCIL – 20.020
STANDING COMMISSIONS AND OTHER ADVISORY BODY PROCEDURES

Effective Date: March 5, 2014

Last Action Date:

June 19, 2024

See Also:

Approved by:

City Council

POLICY – 20.020 Standing Commissions and other Advisory Body Procedures.

Purpose

The purpose of this policy is to establish procedures, other than those provided in KMC 1.90, for Standing Commission and other Advisory Bodies established by the Council.

Scope

This policy applies to all standing commissions or other advisory bodies appointed by the City Council. In addition to this policy the following Kenai Municipal Code (KMC) provisions are applicable:

Airport Commission is also regulated by KMC 1.95.010

Beautification Commission is also regulated by KMC 1.95.020

Council on Aging Commission is also regulated by KMC 1.95.030 and the Council on Aging By-Laws

[HARBOR COMMISSION IS ALSO REGULATED BY KMC 1.95.040]

Parks and Recreation Commission is also regulated by KMC 1.95.050

Planning and Zoning Commission is also regulated by KMC 14.05.

Policy

A. Appointment and Reappointments

1. An application for consideration of appointment or reappointment to a Standing Commission or other Advisory Body of the Council must be submitted to the City Clerk.
2. The Mayor nominates an applicant for appointment or reappointment and by motion, the City Council confirms.

B. Establishing Subcommittees

1. A subcommittee of a Standing Commission or other advisory body may be established for a specific function upon approval of Council.

C. Meeting Schedules

1. Standing Commission schedules are as follows:

Commission / Committee / Council on Aging	Meeting Schedule	Scheduled Meeting Days
Airport Commission	Monthly	Second Thursday of the month
Beautification	Meetings held January, April, May, September and October	Second Tuesday of the month
Council on Aging	Monthly	Second Thursday of the month
[HARBOR COMMISSION	MEETINGS HELD FEBRUARY, MARCH, APRIL, MAY, JUNE, AUGUST, SEPTEMBER AND NOVEMBER	FIRST MONDAY AFTER FIRST COUNCIL MEETING OF THE MONTH]
<u>Harbor Commission (Sunset as of 2025, Ordinance No. XXXX-2025)</u>		

Library Commission (<i>Suspended as of 2015, Ordinance No. 2815-2015</i>)		
Parks & Recreation Commission	Monthly, except for July	First Thursday of the month
Planning & Zoning Commission	Twice monthly	Second & fourth Wednesday

2. All regular meetings will be held in the Kenai City Hall Council Chambers with the exception of the Council on Aging Commission who shall meet at the Senior Center, unless offsite arrangements are approved by the Clerk. Exceptions for subcommittee meetings may be made with the advance notice of the City Clerk.
3. Regularly scheduled meeting times will be approved by Council.
4. Special meetings (for a specific purpose) on an as-needed basis may be scheduled with the Clerk's approval and notification to the Council and City Manager.
5. Meetings may be cancelled or rescheduled by the City Clerk, with notification to Council and the City Manager, if cancellation or rescheduling is warranted, i.e. lack of agenda items, pre-knowledge of lack of a quorum, etc.
6. Any additional commissions or other advisory bodies established by Council will be set and incorporated into the meeting schedule by the City Council.

D. Minutes & Meeting Recordings

1. With exception of the Planning & Zoning Commission, taking notes and electronically recording meetings shall be the responsibility of department liaison to the specific Standing Commission or advisory body. The Clerk's Office shall take notes and record the meeting for the Planning and Zoning Commission.
2. Action minutes will be produced by the Clerk's Office from the department liaisons notes and provided to the City Council as official records of the meetings. Summary minutes will be produced by the Clerk's Office for Planning and Zoning Commission items when the item is quasi-judicial.
3. Meetings shall be electronically recorded retained in accordance with the City of Kenai records management schedule and record retention policy as adopted by the City Council pursuant to KMC 10.30.030.

E. Work Sessions

1. Work sessions may not be held without the approval of the City Clerk unless they occur on the night of and at the time of a regularly scheduled advertised meeting. Notification of scheduled work session shall be provided to City Council and the City Manager. Work session may be requested by Council, the liaison or Chair of the body.
2. During work sessions, only items on the work session agenda may be discussed and no formal actions may be taken.
3. At a minimum, work sessions shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.

F. Basic Meeting Information

1. All meetings shall be open to the public.
2. At a minimum, meeting notices shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.
3. Meeting agendas shall be established by the Chair and the department liaison and shall be relevant to the authority of the Standing Commission or other advisory body as designated within the bylaws or Kenai Municipal Code. Items requiring commission action under applicable municipal code prior

to final action by the Council, as distinguished from advisory recommendations, will be referred to the respective body prior to any final Council action. The City Council, by motion, may refer any other item to be placed on an agenda seeking a recommendation from the respective Standing Commission or other advisory body.

4. The department liaison shall submit items for the agenda and supporting documentation to the Clerk's Office one week prior to a meeting, no later than 2:00 p.m. The Clerk's Office will compile meeting material and distribute. The Planning & Zoning Commission is exempt from this requirement as the Planning Department advertises, compiles meeting material and distributes for its commission.
 5. Rules of Order: Pursuant to KMC 1.15.120(b) and KMC 1.90.050(c), in all matters of parliamentary procedure, Robert's Rules of Order, as revised shall be applicable and govern all meetings, except as specified in KMC 1.15.060 (Motions), KMC 1.15.100 (Speaking), and KMC 1.15.110 (Voting).
 6. Quorum: No meeting may proceed in the absence of a quorum, i.e. a quorum is more than one-half of the board/commission (quorum of the whole).
 7. Motion: Pursuant to KMC 1.15.060(k), all motions require a second. A majority of votes is required to pass a motion.
 8. Speaking: In a meeting, members should be recognized by the Chair before speaking.
 9. When is it a Meeting: If any public business is discussed collectively by four or a majority of members of one body.
 10. Representation of the body: Members of a City of Kenai Standing Commissions or other advisory bodies may only speak on behalf of the body when approved to do so by a majority vote of the body; at which time their basic responsibility is to carry out the body's directives identified within the approved motion.
- G. Council Participation
1. Any Council Member may attend a meeting or work session of any Standing Commission or other advisory body; however, no more than three Council Members may attend any one meeting without additional public notice.
 2. Only the Council Liaison to the respective Standing Commission or other advisory body may speak on behalf of the Council to the relevant body if approved to do so by a majority vote of the City Council. Participation of the Liaison at Standing Commission or other advisory body meetings is limited to updating the body on the actions of the Council and reporting back to the Council the actions of the Commission. The Liaison is a non-voting member and may not participate in the debate of an advisory body.
 3. Participation by Council Members (acting as a Council Member) other than the Liaison should be limited to ONE Council Member who is a sponsor of a legislative item to be considered for recommendation from the advisory body. The sponsors participation should be limited to three-minute testimony and answering questions from the body. The sponsor of the legislation may not participate in debate of the advisory body. When speaking to the advisory body as the legislative sponsor the following additional rules apply:
 - a. The legislative sponsor will not testify from the Dais, testimony from the sponsor shall be made from the area designated for public comment.
 - b. If the legislative sponsor is the Liaison to the advisory body, the legislative sponsor will remove themselves from the dais and seat themselves in the public area of the chambers. The legislative sponsor will remain in the public seating area during the discussion, debate and voting on the legislative item in which they sponsored.
 4. Exception: Council Members may fully participate in any joint work session or other meeting with a Standing Commission or other advisory body when it has been noticed that the City Council will be in attendance, or there has been a specific delegation of authority by the Council for a member(s) to represent the Council.

Henry H. Knackstedt, Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

*Policy History: Action Approval on 08-04-2004; R2017-24; R2018-19; 2019-03; 2023-26; R2024-28; R2025-21; Ordinance XXXX
Note: Between 2004 and 2017 other amendments to the policy were made through the action approval process.*

MEMORANDUM

TO: Mayor Knackstedt and Council Members

FROM: Shellie Saner, City Clerk

DATE: November 12, 2025

SUBJECT: **Action/Approval** - Directing the Administration to Bring Forward the Legislation Necessary to Sunset the City of Kenai Harbor Commission.

On November 10, 2025 the Harbor Commission met in a work session for the purpose of discussing the Commission Role, Future Status and Possible Sunset.

Commission discussion during the work session included the following:

- Over the last two-and-a-half years there was nothing required of the commission; the commission had been trying to create agenda items.
- Numerous meetings cancelled due to lack of a quorum or lack of agenda items.
- Difficulty keeping commissioners.
- Now that the Bluff Stabilization project was complete, there were no foreseeable future project for the commission.
- Activities of the commission overlapped and duplicated activities of other commissions.

During the regular meeting, immediately following the work session the Harbor Commission unanimously approved a motion recommending the City Council sunset the Harbor Commission.

If the Council approves a motion directing the Administration to draft the necessary legislation, the draft legislation will be presented to the Harbor Commission at a Special Meeting for recommendation to Council, and brought forward to Council for final action.

APPROVED BY COUNCIL

Date: 11/19/25