



Kenai City Council - Regular Meeting

April 03, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

1. Classification and Compensation Report, Malayna Halvorson Maes, Senior Consultant for McGrath Human Resources Group and Stephanie Randall, Human Resource Director.

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

1. Alaska Christian College Update, Dr. Keith Hamilton, President of Alaska Christian College

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

E. PUBLIC HEARINGS

1. **Ordinance No. 3404-2024** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Provide Supplemental Funding for 100 Low Lead Float Plane Basin Fuel. (Administration)
2. **Ordinance No. 3405-2024** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs Above Budgeted Amounts. (Administration)
3. **Ordinance No. 3406-2024** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds and Authorizing a Final Adjusting Contract Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services for the 2020 Kenai Municipal Airport Sand Storage Facility Project. (Administration)
4. **Resolution No. 2024-13** - Authorizing a Contract Award and Corresponding Purchase Order for Library Materials. (Administration)

F. MINUTES

1. *Regular Meeting of March 20, 2024. (City Clerk)

G. UNFINISHED BUSINESS**H. NEW BUSINESS**

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Consent to Assignment and Assignment and Assumption of Lease Agreement, of Lot 1, Block 5, General Aviation Apron No. 1 Amended. (Administration)
3. ***Ordinance No. 3407-2024** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
4. ***Ordinance No. 3408-2024** - Accepting and Appropriating a State of Alaska Code Blue Fiscal Year 2025 Grant Passed through the Southern Region EMS Council, Inc. to Purchase Two Video Laryngoscopes. (Administration)
5. **Action/Approval** - Authorizing the City Manager to Request a Community Purpose Exemption to Donate Sand for the Construction of the Triumvirate Theatre. (Administration)
6. **Discussion** - Scheduling a Budget Work Session. (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

1. Proclamation Declaring April 2024 as "Sexual Assault Awareness Month"

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. 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.

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

https://us02web.zoom.us/meeting/register/tZlqf-6urDsuGtcrLj_-7mookvFoJQa5le7v



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3404-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT FUND TO PROVIDE SUPPLEMENTAL FUNDING FOR 100 LOW LEAD FLOAT PLANE BASIN FUEL.

WHEREAS, the City purchases 100 Low Lead (LL) Fuel for the Float Plane Basin; and,

WHEREAS, procurement of 100LL is done through the lowest price of available suppliers; and,

WHEREAS, the current account 008-464-2022 in the amount of \$41,000 has received invoices totaling \$25,995.72 through March, 2024; and,

WHEREAS, the City spent \$24,043.50 in May and June 2023 when the price of fuel was \$6.85 per gallon; and,

WHEREAS, additional funds in the amount of \$10,000 will be needed to carry through the remainder of the fiscal year; and,

WHEREAS, the increase in costs stem primarily from an increase in activity from commercial operations; and,

WHEREAS, the additional funds being requested will allow fuel services to continue uninterrupted through June 2024.

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

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

Airport Fund:

Increase Estimated Revenues –	
Appropriation of Fund Balance	<u>\$10,000</u>

Increase Appropriations –	
Transfer to Airport Other Buildings and Areas	
Repair and Maintenance Supplies	<u>\$10,000</u>

Section 2. That the City Manager is authorized to execute a change order and increase funds in account 008-464-2022 by \$10,000 for a revised total of \$51,000.

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 3RD DAY OF APRIL, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____



Introduced:	March 20, 2024
Enacted:	April 3, 2024
Effective:	April 3, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Derek Ables, Airport Manager

DATE: March 9, 2024

SUBJECT: **Ordinance 3404-2024** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Provide Supplemental Funding for 100LL Float Plane Basin Fuel in the Other Buildings and Areas Repair and Maintenance Supplies Fund

This memo requests Council's approval to Increase appropriations in the airport fund to provide 100LL fuel at the float plane basin. With the addition of a commercial operator more fuel is being required. In May and June 2023, the Airport bought 3510 gallons of 100LL costing \$24,043.50. The Airport expects this to be accurate for 2024 as well.

To ensure that fuel service is continued to be provided through the end of the fiscal year the airport expects another \$10,000 is needed. This will increase the funding available in account 008-464-2022 to \$51,000. Currently the account has received invoices totaling \$25,132.29.

Requesting funds now is in the best interest of the City. Council's approval is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3405-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE CONGREGATE HOUSING FUND FOR COSTS ABOVE BUDGETED AMOUNTS.

WHEREAS, Vintage Pointe Manor was constructed in 1992; and,

WHEREAS, emergency and non-budgeted repairs have been in excess of the FY24 Budget for Repair and Maintenance; and,

WHEREAS, the amount of \$15,000 is needed to ensure funds are available through the remainder of FY24; and,

WHEREAS, funds are available in the retained earnings of the Congregate Housing Enterprise Fund; and,

WHEREAS, proper maintenance and repairs are essential to the Facility's long-term life and is in the best interest of the residents of Vintage Pointe Manor and the City of Kenai.

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

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

Congregate Housing Fund:

Increase estimated revenues	
Appropriation of Retained Earnings	<u>\$15,000</u>
 Increase appropriations	
Small Tools	\$ 5,000
Operating Supplies	5,000
Professional Services	<u>10,000</u>
	<u>\$15,000</u>

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 immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 3RD DAY OF APRIL, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance:  _____

Introduced:	March 20, 2024
Enacted:	April 3, 2024
Effective:	April 3, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Kathy Romain, Senior Center Director
DATE: March 11, 2024
SUBJECT: **Ordinance No. 3405-2024 – Vintage Pointe Repair & Maintenance**

We have seen an increase in repair and maintenance activities at Vintage Pointe, particularly concerning the boiler, the hot water heaters, and electrical systems. Additionally, several of our original appliances have reached the end of their lifespan, necessitating replacement and incurring substantial costs.

These challenges have placed a significant strain on the FY24 budget, and subsequently we are seeking supplemental funding from the Congregate Housing Enterprise Fund to cover the remaining expenses for FY24.

I respectfully request your approval of Ordinance No. 3405-2024.



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3406-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE AND AIRPORT IMPROVEMENT CAPITAL PROJECT FUNDS AND AUTHORIZING A FINAL ADJUSTING CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDL ENGINEERING FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE 2020 KENAI MUNICIPAL AIRPORT SAND STORAGE FACILITY PROJECT.

WHEREAS, the City of Kenai is nearing completion of the Airport’s Sand Storage Facility Project located at 515 N. Willow St.; and,

WHEREAS, funding for this project has been provided by two grants from the Federal Aviation Administration identified as grant numbers 3-02-0142-064- 2020 and 3-02-0142-065-2021 respectively; and,

WHEREAS, these grant funds are anticipated to cover 100% of the grant eligible costs associated with the project; and,

WHEREAS, prior legislation including passage of Ordinances 3116-2020 and 3155-2020 appropriated these grant funds and awarded a design agreement to HDL Engineering and a construction agreement to Orion Construction in support of the project; and,

WHEREAS, this Ordinance appropriates the Federal Aviation Administration’s share of HDL Engineering contract amendments 2 & 3 in the total amount of \$151,319 and Orion Construction’s change orders 1, 2, & 3 in the total amount of \$50,261.34; and,

WHEREAS, this will bring the total direct costs associated with the project to \$607,332 for HDL Engineering Design and Construction Administration Services and \$2,339,261.34 for Orion Construction’s, Construction costs for a total direct project cost of \$2,946,593.34; and,

WHEREAS, staff intends to seek reimbursement for other project costs including city staff administration time, permit and utility fees associated with the project and will continue that work through grant closeout.

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 grant funding from the Federal Aviation Administration in the amount of \$201,580.34 for the grant eligible portions of HDL Engineering Amendments 1 & 2, and Orion Construction’s Change Orders 1, 2 & 3, and to allow staff to continue to seek reimbursement for City Admin and other project related expenses during grant closeout.

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

Airport Improvements Capital Project Fund:

2020 Sand Storage Facility Project

Increase Estimated Revenues –

FAA Grant

\$201,580.34

Increase Appropriations –
Construction

\$201,580.34

Section 3. That the City Manager is authorized to increase HDL Engineering’s Purchase Order 120153 by \$18,326 to a new total of \$607,332.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 3RD DAY OF APRIL, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced: March 20, 2024
Enacted: April 3, 2024
Effective: April 3, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Scott Curtin, Public Works Director

DATE: March 12, 2024

SUBJECT: Ordinance 3406-2024 Airport Sand Storage Facility

The Kenai Municipal Airport’s Sand Storage Facility Project is nearing final completion and will be entering grant closeout soon. This project was significantly delayed due to the timing of the construction contract execution and COVID. Supply chain issues severely impacted the project.

Project history includes the original agreement with HDL Engineering to provide bid ready construction documents which was executed on April 17, 2020 in the amount of \$265,681. On August 10, 2020 the project was released for construction bids, with bids due on August 31, 2020. Orion Construction provided the winning construction bid at a total cost of \$2,289,000.

On September 24, 2020 the City executed grant 3-02-0142-064 in the total amount of \$1,954,101 with the Federal Aviation Administration with the understanding a second grant would follow in the spring. On May 19, 2021 the City executed grant 3-02-0142-065 in the total amount of \$881,161, bringing the total grant funding to date to \$2,835,262.

A formal construction agreement was executed with Orion Construction on October 15, 2020 for the bid amount of \$2,289,000. On October 16, 2020 Contract Amendment 1 was executed with HDL Engineering to award construction administration services in the amount of \$190,332 bringing their total contract to date to \$456,013.

Throughout the course of the project, staff would process two additional contract amendments with HDL Engineering and three construction change orders with Orion Construction in support of the project as detailed below.

HDL Engineering	Orion Construction
Original Contract - \$265,681	Original Contract - \$2,289,000
Amendment 1 - \$190,332	Change Order 1 - \$0.00
Awarded CA Services	Provided time extension only
Amendment 2 - \$132,993	Change Order 2 - \$43,308.03
Additional services due to COVID delays	Owner requested additional work
Amendment 3 - \$18,326	Change Order 3 - \$6,953.31
Additional services through final completion	Owner requested additional work

This brings HDL Engineering's total services to \$607,332 and Orion Construction's total services to \$2,339,261.34, with total design and construction costs of \$2,946,593.34.

Staff will continue through closeout submitting costs associated with City Admin hours, permit fees and utility permit and connection fees which are not currently included in the above numbers. We expect a majority of these expenses to also be grant eligible.

For purposes of this Ordinance we are appropriating the FAA related funding for work associate with HDL Engineering contract amendments 2 & 3, as well as Orion Construction's change orders 1, 2 & 3, which combined total \$201,580.34.

Council's approval is respectfully requested.





Sponsored by: Administration

**CITY OF KENAI
RESOLUTION NO. 2024-13**

A RESOLUTION AUTHORIZING A CONTRACT AWARD AND CORRESPONDING PURCHASE ORDER FOR LIBRARY MATERIALS.

WHEREAS, the City solicited competitive proposals for Library Material Vendor Services for an approximately three-year term of April 6, 2024 through April 5, 2027, with the option to extend for two consecutive one-year terms by mutual consent of both parties; and,

WHEREAS, the City received a single proposal from Ingram Library Services LLC; and,

WHEREAS, a committee of four City employees evaluated the proposal based on evaluation criteria including the proposer’s experience and qualifications, service abilities, available resources, contractor availability, methodology and approach, and cost; and,

WHEREAS, the summary of proposal points received from the four evaluators are as follows:

Name	Score
Ingram Library Services LLC	362

WHEREAS, the Administration recommends awarding a contract to Ingram Library Services LLC for a term of three years beginning April 6, 2024, with the option to extend for up to two consecutive one-year terms with mutual consent of both parties.

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

Section 1. That the City Manager is authorized to execute a contract award and corresponding purchase order to Ingram Library Services in the amount of \$12,000 for the remainder of FY 2024; and \$50,000 for each full fiscal year for the remainder of the agreement subject to the annual appropriation of funds.

Section 2. That upon mutual consent of the City and Ingram Library Services LLC, the City Manager may extend the contract for two consecutive one-year terms.

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 3RD DAY OF APRIL, 2024.

Henry Knackstedt, Vice Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: *DS*



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: Katja Wolfe, Library Director

DATE: March 25, 2024

SUBJECT: **Resolution 2024-13 Library Materials Vendor Service RFP**

On February 28, 2024, the City of Kenai solicited proposals for Library Material Vendor Services and received a single proposal from Ingram Library Services LLC.

A committee of City employees evaluated the proposal based on evaluation criteria, including the proposer’s experience and qualifications, service abilities, available resources, contractor availability, methodology and approach, and cost.

The summary of proposal points received from the four evaluators are as follows:

Name	Score
Ingram Library Services LLC	362

The administration recommends awarding a contract to Ingram Library Services LLC for a term of three years beginning April 6, 2024, with the option to extend for up to two consecutive one-year terms with mutual consent of both parties. Upon approval by the City Council, the City Manager would enter into an agreement with Ingram Library Services LLC, and a purchase order would be issued for \$12,000 for the remainder of FY 2024 and \$50,000 for each full fiscal year for the remainder of the agreement subject to the annual appropriation of funds.

Your consideration is appreciated.

**KENAI CITY COUNCIL – REGULAR MEETING
MARCH 20, 2024 – 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 March 20, 2024, 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 | Henry Knackstedt, Vice Mayor |
| Phil Daniel | Deborah Sounart |
| Alex Douthit | Victoria Askin |
| James Baisden (<i>remote participation</i>) | |

A quorum was present.

Also in attendance were:

- **Xinlan Tanner, Student Representative
- Dave Ross, Acting City Manager
- Scott Bloom, City Attorney
- David Swarner, Finance Director
- Linda Mitchell, Planning Director
- Stephanie Randall, Human Resource Director
- Katja Wolf, Library Director
- Tyler Best, Parks and Recreation Director
- Scott Curtin, Public Works Director
- Derek Ables, Airport Manager
- Shellie Saner, City Clerk

3. Agenda Approval

Mayor Gabriel noted the following additions to the Packet:

- | | |
|-------------------|---|
| Add to item E. 2. | Public Hearing – Ordinance No. 3403-2024 |
| | <ul style="list-style-type: none"> • Amendment Memo |
| Add to item E. 4. | Public Hearing - Resolution 2024-09 |
| | <ul style="list-style-type: none"> • Amendment Memo • Informational Item |
| Add to item G. 1. | Unfinished Business / Public Hearing - Ordinance 3392-2024 |
| | <ul style="list-style-type: none"> • Amendment Memo - Fill in the blanks • Amendment Memo - Housekeeping • Amendment Memo - Planning & Zoning Commission • Public Comment |

Add item P. 1.

Information Items

- Kenai Peninsula Borough, Voter Turnout Working Group - Prioritized List of Actionable Recommendations

MOTION:

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

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.

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. Central Area Rural Transit System (CARTS) Update and Status Report, CARTS Board of Directors President Jodi Stuart and Executive Director Jessica Schultz.

Jodi Stuart, CARTS Executive Director provided an overview of the history of CARTS and introduced Executive Director Schultz. Ms. Schultz summarized CARTS available schedules and services provided; noted 30% of rides were to Kenai and the importance of using local funding as a matching source to be eligible for additional Federal funding.

D. UNSCHEDULED PUBLIC COMMENTS

Tim Navarre addressed the Council in support of CARTS and recommended funding be included in the upcoming budget for CARTS in an amount similar to past funding from the City.

Tim Dillion addressed the Council in support CARTS and noted that transportation, child care and housing have a direct impact on the work force.

Samantha Springer, Executive Director of the Kenai Chamber of Commerce and Visitor Center addressed the Council noting it was her 1-year anniversary as the Executive Director.

Marion Nelson, Kenai Fine Art Center Board President addressed the Council regarding the upcoming Student Art Show; Art Center Workshops; and provided a facility update.

E. PUBLIC HEARINGS

1. **Ordinance No. 3402-2024** - Accepting and Appropriating a Donation to the Kenai Community Library for Library Materials, Programming, Furniture and Shelving. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3402-2024. Council Member Askin **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.

Appreciation was stated for the donors and that materials will be added to the print collection in memory of Don Weller.

VOTE:

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

NAY: None

**Student Representative Tanner: Yea

MOTION PASSED.

- 2. Ordinance No. 3403-2024** - Amending Sections of Kenai Municipal Code Chapters 21.10 - Leasing and Acquisition of Airport Reserve Lands, and 22.05 - Disposition of City Lands, to Extend the Time Allowed for Private Development on City Leased Lots and Requiring Certain Financial Assurances Prior to Lease Execution. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to enact Ordinance No. 3403-2024. Council Member Daniel **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Richard Page, SOARS International Ministries Director addressed the Council regarding the negative effect of the ordinance to organizations who operate on grants related to the requirement to show financial resources; prior to COVID the project was originally a 3.5-million-dollar project and now a 14-million-dollar project; current challenges getting materials; project plans were complete; and losing the lease at this time would be a significant loss of improvements to SOARS.

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

It was reported that prior to 2018 the City owned improvements on lease lots; due to lack of lease activity code was changed so that the lessee would own the improvements, since that change lease activity has increased; the City recognized current challenges causing the need for additional time; the ordinance would increase the time to complete construction from two-years to three-years and it also increased the extension option from one, one-year extension to two, one-year extensions.

It was additionally reported that three current lease holders affected by this ordinance have exhausted the lease extension options and would be required to reapply; a non-code ordinance would be the only way to extend the current leases, which was not recommended as the lease holders would be in the exact same position in one-year.

There was general consensus that the administration should work closely with the current lease holders through the reapplication process.

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3403-2024 as follows:

Sixth whereas clause to read, "at its regular meeting on March 14, 2024 the Airport Commission recommended the City Council approve this Ordinance."

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Resolution No. 3403-2024 to remove the word "reasonable" as follows:

Section 1, KMC 21.10.040, paragraph (b), subparagraph (5) to read, "Evidence showing the applicant has [REASONABLE] financial resources to complete the proposed improvement, such as a liquidity verification letter or other document from a financial institution. This information may be provided separately from other application material and will be kept confidentially by City administration as allowed by law."

Section 2, KMC 21.10.060, paragraph (b) to read, "Based on the initial review and staff recommendation for action, if the City Manager determines the application is complete and the applicant has [REASONABLE] financial means to complete the proposed improvements, the application shall be referred to the Airport Commission and the Planning and Zoning Commission for review and comment, together with the City Manager's recommendation for approval or rejection. For protection of private financial information, documentation showing the applicant has [REASONABLE] financial resources to complete the proposed improvement will be redacted or withheld from the application when published and provided to the Airport, Planning Commission and City Council."

Section 3, KMC 21.10.070, paragraph (a) to read, "A request from an existing lessee for a lease amendment, extension or renewal of the lease must be submitted to the City on an application form provided by the City. Applications must be complete and dated on receipt and payment of the nonrefundable application fee as set forth in the City's schedule of fees adopted by the City Council. All applications proposing new improvements must include evidence showing the applicant has [REASONABLE] financial resources to complete the proposed improvement, such as a liquidity verification letter or other document from a financial institution. This information may be provided separately from other application material and will be kept confidentially by City administration as allowed by law."

Section 5, KMC 22.05.025, paragraph (b), subparagraph (4) to read, "Evidence showing the applicant has [REASONABLE] financial resources to complete the proposed improvement, such as a liquidity verification letter or other document from a financial institution. This information may be provided separately from other application material and will be kept confidentially by City administration as allowed by law."

Section 6, KMC 22.05.040, paragraph (b) to read, "Based on the initial review, if the City Manager determines the application is complete and the applicant has [REASONABLE] financial means to complete the proposed improvements, the application shall be referred to the Planning and Zoning Commission and any other applicable commissions for review and comment, together with the City Manager's recommendation for approval or rejection. The recommendation may include a recommendation for a subdivision to reduce or enlarge a parcel to meet the intended development or use. For protection of private financial information, documentation showing the applicant has [REASONABLE] financial resources to complete the proposed improvement will be redacted or withheld from the application when published and provided to the Planning Commission, other applicable commission and City Council."

Section 7, KMC 22.05.045, paragraph (a) to read, "A request from an existing lessee for a lease amendment, assignment, extension or renewal of the lease must be submitted to the City Manager or designee on an application form provided by the City. Applications must be complete and dated on receipt and include payment of the nonrefundable application fee and applicable deposit as set forth in the City's schedule of fees adopted by the City Council. All applications proposing new improvements must include evidence showing the applicant has [REASONABLE] financial resources to complete the proposed improvement, such as a liquidity verification letter or other document from a financial institution. This information may be provided separately from other application material and will be kept confidentially by City administration as allowed by law. Construction must be completed within 3 years except in special circumstances that require a longer period of time and which must be approved by the City Council;"

Council Member Askin **SECONDED** the motion.

It was reported that a current lessee suggested that inclusion of the word “reasonable” added unnecessary ambiguity and subjectivity to the standard.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3403-2024 as follows:

Section 4, KMC 21.010.080, paragraph (g), subparagraph (5) to read, “If the lessee shows good cause to the City Council, and evidence of progress towards completion of the proposed improvements, including but not limited to a building permit, invoices for site specific building materials, or third party contracts for construction, as well as updated financial information as required in KMC 21.10.040(b)(5) 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 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-month extension may be granted by separate resolution of Council if the lessee meets the same criteria for the first twelve-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 [COVER THE REMAINED OF THE UNFINISHED WORK ON THE PROPOSED IMPROVEMENTS] and Council determines the final extension is in the best interest of the City.

Council Member Douthit **SECONDED** the motion.

It was reported that this amendment and the next would allow for greater flexibility when there was a need to find a solution for completion of a project.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3403-2024 as follows:

Section 8, KMC 22.05.055, paragraph (f) to read, “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 22.05.25(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 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-month extension may be granted by separate resolution of Council if the lessee meets the same criteria for the first twelve-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 [COVER THE REMAINED OF THE UNFINISHED WORK ON THE PROPOSED IMPROVEMENTS] and Council determines the final extension is in the best interest of the City.

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None

**Student Representative Tanner: Yea

MAIN MOTION AS AMENDED PASSED.

- 3. Resolution No. 2024-08** - Awarding a Contract to Provide Health and Life Insurance Consulting Services. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-08. 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.

UNANIMOUS CONSENT was requested.

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

- 4. Resolution No. 2024-09** - Awarding a Contract for Kenai Visitor and Cultural Center Facility Management Services. (Administration)

[Clerk's Note: Council Member Douthit declared a possible conflict with Resolution No. 2024-09 as he is the Vice President of the Kenai Chamber of Commerce & Visitor Center Board of Directors. Mayor Gabriel ruled a conflict did exist and Council Member Douthit abstained from discussion and voting on the resolution.]

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-09. 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.

There was discussion regarding the proposed amendment which would include a new permanent position dedicated to the cultural center; the position would manage artifacts, rotate displays and improve the appeal to visitors.

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Resolution No. 2024-09 as follows:

Section 1 to read, "That the contract to provide Kenai [TOURISM AND MARKETING] Visitor and Cultural Center Facility Management Services is awarded to the Kenai Chamber of Commerce and Visitor Center for the total amount of \$145,200 annually for a period of three years, beginning July 1, 2024."

Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: Motion **APPROVED**, without objection.

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Resolution No. 2024-09 as follows:

Section 1 to read, "That the contract to provide Kenai Visitor and Cultural Center Facility Management Services is awarded to the Kenai Chamber of Commerce and Visitor Center for the total amount of [\$145,200] \$152,480, to include a new cultural center coordinator, annually for a period of three years, beginning July 1, 2024."

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: Motion **APPROVED**, without objection.

UNANIMOUS CONSENT was requested on the main motion as amended.

VOTE ON MAIN MOTION AS AMENDED: Main motion as amended **APPROVED**, without objection.

5. **Resolution No. 2024-10** - Awarding a Contract for City of Kenai Tourism and Marketing Services. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-10. Council Member Daniel **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 provider had a local office and provides similar services to other municipalities.

UNANIMOUS CONSENT was requested.

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

6. **Resolution No. 2024-11** - Approving the Use of the Fleet Replacement Fund for the Purchase of One Ford Police Interceptor Utilizing the State of Alaska Equipment Fleet Contract. (Administration)

MOTION:

Vice Mayor Knackstedt **MOVED** to adopt Resolution No. 2024-11. Council Member Askin **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.

UNANIMOUS CONSENT was requested.

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

7. **Resolution No. 2024-12** - Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement for the Kenai Municipal Airport. (Administration)

MOTION:

Council Member Askin **MOVED** to adopt Resolution No. 2024-12. 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.

UNANIMOUS CONSENT was requested.

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

F. MINUTES

1. *Regular Meeting of March 6, 2024. (City Clerk)

G. UNFINISHED BUSINESS

- 1. **Ordinance No. 3392-2024** - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District. (Knackstedt)

[Clerk’s Note: The motion to enact Ordinance 3392-2024 was on the floor from the February 21, 2024 City Council Meeting.]

Mayor Gabriel opened the floor for public comment.

Matthew Moffis thanked the Council and staff for bringing this forward.

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

There was discussion thanking the Planning and Zoning Commission for their work and recommendations.

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3392-2024 as follows:

Ninth whereas clause to read, “the Harbor Commission and the Planning and Zoning Commission held a joint work session on February 12, 2024 to discuss the proposed ordinance to create a waterfront zoning district and amend the Comprehensive Plan; and,”

Tenth whereas clause to read, “the Planning and Zoning Commission at its regularly scheduled meeting of February 14, 2024 recommended approval with amendments on amending the Kenai Municipal Code (KMC) to add a new zoning district and rezone the waterfront area; and,”

Eleventh whereas clause to read, “the Harbor Commission at its regularly scheduled meeting of February 12, 2024 recommended approval on amending the KMC to add a new zoning district and rezone the waterfront area; and,”

Insert a new twelfth whereas clause to read, “at its meeting on February 21, 2024, City Council postponed the public hearing to March 20, 2024 and scheduled a joint work session with Planning and Zoning Commission on March 20, 2024 before the regular meeting; and.”

Council Member Douthit **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3392-2024 as follows:

Section 3, KMC 14.22.010 Land Use Table for Residential - Townhouses; Commercial - Automotive Service Stations; and Industrial - Automotive Repair under the Waterfront (WW) zoning district by deleting the reference to footnote 32.

LAND USES	WW
RESIDENTIAL	
Townhouses ⁴	C ^[32]
COMMERCIAL	
Automotive Service Stations	C ^[32]
INDUSTRIAL	
Automotive Repair	C ^[32]

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Council Member Douthit **MOVED** to amend Ordinance No. 3392-2024 as follows:

Section 3, KMC 14.22.010 Land Use Table by inserting a new footnote 33 to read, "Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter 14.25 shall include any secondary uses in the landscaping and site plans."

Section 3, KMC 14.22.010 Land Use Table for Residential - One-Family Dwelling under the Working Waterfront (WW) zoning district by, adding S for Secondary Use with reference to footnote 33.

LAND USES		WW
RESIDENTIAL		
One-Family Dwelling		S ³³ /C

Council Member Askin **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3392-2024 as follows:

Section 3, KMC 14.22.010 Land Use Table for Miscellaneous - Bed and Breakfast under the Working Waterfront (WW) zoning district by, deleting P for Principal Permitted Use and inserting C for Conditional Use.

LAND USES		WW
Miscellaneous		
Bed and Breakfast		[P] <u>C</u>

Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Vice Mayor Knackstedt **MOVED** to amend Ordinance No. 3392-2024 as follows:

Section 3, KMC 14.22.010 Land Use Table for Public/Institutional - Hospitals under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting C for Conditional Use.

LAND USES		WW
PUBLIC/INSTITUTIONAL		
Hospitals*		[P] <u>C</u>

Council Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

MOTION TO AMEND:

Council Member Daniel **MOVED** to amend Ordinance No. 3392-2024 as follows:

Section 3, KMC 14.22.010 Land Use Table for Miscellaneous - Day Care Centers under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting C for Conditional Use.

LAND USES	WW
Miscellaneous	
Day Care Centers ¹²	[P] C

Council Member Douthit **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

VOTE ON MOTION TO AMEND: There being no objection; **SO ORDERED.**

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None

**Student Representative Tanner: Yea

MAIN MOTION AS AMENDED PASSED.

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** - Special Use Permit to the Alaska Youth Soccer Association for RV Parking at the Multi-Purpose Facility Parking Lot. (Administration)

Approved by the consent agenda.

- 4. *Action/Approval** - Special Use Permit to the Alaska Youth Soccer Association for RV Parking at the Kenai Sports Complex Parking Lot. (Administration)

Approved by the consent agenda.

- 5. *Ordinance No. 3404-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Provide Supplemental Funding for 100 Low Lead Float Plane Basin Fuel. (Administration)

Introduced by the consent agenda and Public Hearing set for April 3, 2024.

- 6. *Ordinance No. 3405-2023** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs Above Budgeted Amounts. (Administration)

Introduced by the consent agenda and Public Hearing set for April 3, 2024.

- 7. *Ordinance No. 3406-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds and Authorizing a Final Adjusting Contract Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services for the 2020 Kenai Municipal Airport Sand Storage Facility Project. (Administration)

Introduced by the consent agenda and Public Hearing set for April 3, 2024.

- 8. Discussion** - Scheduling Council Employee Evaluations (Mayor Gabriel)

Special City Council meetings were scheduled for April 17, 2024 at 4:00 p.m. and April 18, 2024 at 5:30 p.m. for Council Employee Evaluations in the Kenai City Council Chambers.

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging

No report, next meeting April 11, 2024.

2. Airport Commission

Vice Mayor Knackstedt reported on the March 14, 2024 Work Session, next meeting April 11, 2024.

3. Harbor Commission

Council Member Askin on the March 11, 2024 Work Session, next meeting April 8, 2024.

4. Parks and Recreation Commission

Council Member Sounart on the March 7, 2024 Work Session, next meeting April 4, 2024.

5. Planning and Zoning Commission

Council Member Askin reported on the March 13, 2024 Meeting, next meeting cancelled.

6. Beautification Committee

No report, next meeting April 9, 2024.

J. REPORT OF THE MAYOR

Mayor Gabriel reminded everyone about the upcoming Senior Connections Pie Auction fund raiser.

K. ADMINISTRATION REPORTS

1. City Manager - Acting City Manager Ross reported on the following:

- Employee Appreciation Event scheduled for April 26, 2024.
- State of the City Presentation scheduled for April 17, 2024 at the Kenai Chamber of Commerce, Business Luncheon.
- City Manager to attend the Alaska Infrastructure Development Symposium.
- Current Recruitments for Public Safety Dispatcher, summer positions including Temporary Enforcement Officer's, Parks & Recreation and Public Use Fishery positions.

2. City Attorney, no report.

3. City Clerk – City Clerk Saner reported on the following:

- Final report from the KPB Voter Turnout Working Group was included in the laydown as an informational item.

L. ADDITIONAL PUBLIC COMMENTS

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

Samantha Springer, Executive Director of Kenai Chamber of Commerce and Visitor Center reported to Council that the Visitor Guide had been updated and was at the printers.

2. Council Comments

Council Member Baisden reported that the Kenai Central High School Cheer Team captured their fourth straight State Championship.

Student Representative Tanner reported on activities at Connections, Kenai Alternative and Kenai Central High School; Connections participation in SkillsUSA; provided a sports update and noted she was the recipient of the Carson Scholarship.

Council Member Sounart wished everyone a happy spring.

Council Member Askin congratulated Student Representative Tanner for receiving the Carson Scholarship.

Council Member Douthit reminded everyone about the upcoming Senior Connection, Pie Auction fundraiser.

Council Member Knackstedt reported that the members of the Airport Commission noted the good conditions at the Airport over the winter.

M. EXECUTIVE SESSION - None.

N. PENDING ITEMS - None.

O. ADJOURNMENT

P. INFORMATIONAL ITEMS

1. Kenai Peninsula Borough, Voter Turnout Working Group - Prioritized List of Actionable Recommendations.

There being no further business before the Council, the meeting was adjourned at 9:08 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of March 20, 2024.

Michelle M. Saner, MMC
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.*

**PAYMENTS OVER \$35,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: APRIL 3, 2024**

VENDOR	DESCRIPTION	DEPARTMENT	ACCOUNT	AMOUNT
PERS	PERS	VARIOUS	LIABILITY	110,380.48
ENSTAR NATURAL GAS	GAS USAGE	VARIOUS	UTILITIES	59,199.59

INVESTMENTS

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

THROUGH: Linda Mitchell, Planning Director

FROM: Brandon McElrea, Planning Technician

DATE: March 26, 2024

SUBJECT: **Action/Approval** - Consent to Assignment and Assignment and Assumption of Lease Agreement, of Lot 1, Block 5, General Aviation Apron No. 1 Amended

Scott Bremer has submitted an application for an Assignment and Assumption of Lease Agreement from Kenai Aviation Leasing Company, LLC, Assignor to Scott Bremer, Assignee. The applicant notes that no new improvements or changes in the existing use under the lease are proposed. Any changes in use would require a lease amendment. A map of the parcel is attached to this memorandum.

The original Lease of Airport Lands was executed by the City of Kenai, Lessor, and Robert T. Bielefeld, Lessee, on July 1, 1974, for Lot 1, Block 5, General Aviation Apron No. 1, according to Plat No. 73-68 and recorded on December 2, 1974, in Book 81 at Page 349. The legal description was changed to Lot 1, Block 5, General Aviation Apron No. 1 Amended, according to Plat No. 2004-20 due to corrections made to the previous plat. However, the changes to the original plat did not affect the subject lease lot area. The subject Lease was initially issued for flying service office with sales of related items, office and sales of oil field related products, and aircraft parking. While the entity name has changed, the terms of each Lease Assignment has remained unchanged since execution. The Lessee remains in compliance with the terms and conditions of the lease.

Covenant 4 of the Lease of Airport Lands stipulates that "*LESSEE agrees to pay the annual rental and fees specified and not to assign this lease or any part, not let, nor sublet, either by grant or implication, the whole or any part of the premises without written consent of the CITY. Assignments shall be accomplished as follows:*

- a. *Submittal to, and approval of, proposed lease assignment by the Kenai Planning Commission.*
- b. *After approval by the Kenai Planning Commission, final approval of assignment by the City Council."*

If City Council approves the Consent to Assignment and Assumption of Lease Agreement, the City Manager will be authorized to sign the Consent to Assignment.

Thank you for your consideration.

Attachments

Aerial Map

Draft Consent to Assignment

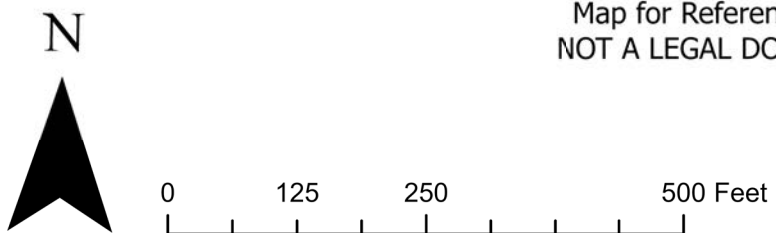


LEASE ASSIGNMENT
Lot 1, Block 5, General Aviation
Apron No. 1 Amended
101 N. Willow Street
KPB Parcel ID: 04324015



Date Printed: 3/27/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



CITY OF KENAI

CONSENT TO ASSIGNMENT

The Assignment of that certain Lease of Airport Land entered into on July 1, 1974, and recorded in Book 81 at Page 349, on December 2, 1974 with City of Kenai as Lessor; and Kenai Aviation Leasing Company, LLC (hereinafter called "Assignor"), whose address is P.O. Box 46, Kenai, Alaska 99611 as Lessee by Assignment Recorded May 26, 2005 at Serial No. 2005-004478-0, in the Kenai Recording District to Scott Bremer (hereinafter called "Assignee"), whose address is P.O. Box 2491, Kenai, Alaska 99611, covering the following-described property:

Lot One (1), Block Five (5), GENERAL AVIATION APRON SUBDIVISION NO. 1 AMENDED, according to Plat No. 2004-20, Kenai Recording District, Third Judicial District, State of Alaska.

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

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

Dated this ____ day of _____, 2024.

Terry Eubank, City Manager

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2024, Terry Eubank, City Manager of the City of Kenai, Alaska, being personally known to me or having produced satisfactory evidence of identification, appeared before me and acknowledged the voluntary and authorized execution of the foregoing instrument on behalf of said City.

Notary Public for Alaska
My Commission Expires: _____

Approved as to form:

Scott Bloom, City Attorney



**CITY OF KENAI
ORDINANCE NO. 3407-2024**

AN ORDINANCE ACCEPTING AND APPROPRIATING A VOLUNTEER FIRE ASSISTANCE GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE PASSED THROUGH THE STATE OF ALASKA DIVISION OF FORESTRY FOR THE PURCHASE OF FORESTRY FIREFIGHTING EQUIPMENT.

WHEREAS, the Fire Department is a cooperator with Division of Forestry and has contracted personnel and equipment on major fire incidents in Alaska; and,

WHEREAS, grant funding will be used to purchase equipment, to be placed on Forestry Apparatus and used while responding to Forest Fire Incidents; and,

WHEREAS, this equipment will be purchased to improve response capabilities and assist Division of Forestry on incidents as a cooperator; and,

WHEREAS, the State of Alaska Division of Forestry has provided a grant in the amount of \$5,588,73 to assist the City of Kenai Fire Department in purchasing forestry firefighting equipment; and,

WHEREAS, appropriation of this grant for its intended purpose is in the best interest of the City and its residents.

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

Section 1. That the City Manager is authorized to accept a grant from the United States Department of Agriculture Forest Service passed through the State of Alaska Division of Forestry in the amount of \$5,588.73 for the purchase of forestry firefighting equipment and is authorized to execute a grant agreement and to expend the grant funds to fulfill the purpose and intent of this Ordinance.

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

General Fund:

Increase Estimated Revenues –	
Federal Grant - Fire	<u>\$5,588.73</u>
Increase Appropriations –	
Fire – Small Tools/Minor Equipment	<u>\$5,588.73</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 17TH DAY OF APRIL, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____



Introduced: April 3, 2024
Enacted: April 17, 2024
Effective: April 17, 2024



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: Tony Prior, Fire Chief

DATE: March 15, 2024

SUBJECT: **Ordinance 3407-2024 - Volunteer Fire Assistance Grant**

The Kenai Fire Department has been awarded a Volunteer Fire Assistance grant in the amount of \$5,588.73 for the purchase of forestry firefighting equipment from the United States Department of Agriculture Forest Service through State of Alaska Division of Forestry. The grant will fund the purchase of forestry firefighting equipment to place on our designated forestry response apparatus. This equipment (hose, valves and nozzles) will enable us to respond appropriately with tools needed on forestry incidents.

Your consideration is appreciated.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

Division of Forestry & Fire Protection

[PROGRAM]

3700 Airport Way
Fairbanks, AK 99709-4699
Main: 907.451.2600

March 15th, 2024

To State of Alaska Fire Departments:

Thank you for applying for the 2024 Volunteer Fire Capacity (VFC) grants, formerly known as VFA. Forty-one (41) fire departments applied for a VFC grant requesting a total of \$266,198 in assistance. Forty (40) Alaska Fire Departments will receive up to \$7,000 per fire department. A total of **\$259,198** will be awarded. This is the letter of official notification.

The enclosed spreadsheet lists all applicants and the amount requested/amount awarded. If a fire department is awarded a grant, the amount awarded will be listed in the "Amount Awarded" column. If a VFD did not receive any funding or will receive a partial award, please contact your respective DOF Fire Management Officer (FMO) with any questions you may have.

- Checks will be distributed electronically by association with the VFD's SOA vendor number and the SOA electronic payment agreement. Electronic disbursements are expected by no later than May 2024.
- To be eligible for a 2025 VFC grant, compliance documentation, such as copies of receipts for 2024 grant expenditures, must be submitted to your nearest Forestry office before submitting a 2024 application.
- Volunteer Fire Capacity is an award of Federal Financial Assistance with funding from the USDA Forest Service. Prime and sub-recipients to this award are subject to OMB guidance in sub-parts A through F of 2 CFR Part 200 as adapted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to OMB guidance in 2 CFR 200 where full text may be found.
- The brochure, Complying with Civil Rights, FS-850, can be found at www.fs.usda.gov/internet/fs_e_documents/fs_eprd526908.pdf
- The OMB Circulars are available on the internet at www.ecfr.gov

If an application is unsuccessful, do not be discouraged and continue to apply every year by submitting an online application package by the deadline.

Sincerely,

Sarah Saarloos, Fire Staff Officer

State of Alaska, DNR

Division of Forestry & Fire Protection

2024 VFA Grant Awards

Fire Department	Amount Requested	Amount Awarded	Division of Forestry Office
Delta Junction VFD	\$6,246.00	\$6,246.00	Delta Area Office
Rural Deltana VFD	\$7,000.00	\$7,000.00	Delta Area Office
Ester VFD	\$6,998.48	\$6,998.48	Fairbanks Area Office
McKinley VFD	\$6,993.00	\$6,993.00	Fairbanks Area Office
Nenana Fire/EMS Dept.	\$6,252.34	\$6,252.34	Fairbanks Area Office
North Pole FD	\$6,489.00	\$6,489.00	Fairbanks Area Office
North Star VFD	\$6,281.10	\$6,281.10	Fairbanks Area Office
Steese Area VFD	\$7,000.00	\$7,000.00	Fairbanks Area Office
Tri-Valley VFD	\$4,495.50	\$4,495.50	Fairbanks Area Office
Bayside Volunteer Fire Department	\$6,975.00	\$6,975.00	Kenai Kodiak Area Office
Bear Creek Fire/EMS Department	\$6,299.96	\$6,299.96	Kenai Kodiak Area Office
Central Emergency Services	\$6,520.50	\$6,520.50	Kenai Kodiak Area Office
City of Whittier Fire Department	\$6,231.50	\$6,231.50	Kenai Kodiak Area Office
Cooper Landing VFD	\$5,075.70	\$5,075.70	Kenai Kodiak Area Office
Homer VFD	\$6,098.77	\$6,098.77	Kenai Kodiak Area Office
Kachemak Emerg. Services	\$6,999.10	\$6,999.10	Kenai Kodiak Area Office
Kenai FD	\$5,588.73	\$5,588.73	Kenai Kodiak Area Office
Lowell Point VFD	\$7,000.00	\$7,000.00	Kenai Kodiak Area Office
Nikiski FD	\$5,808.60	\$5,808.60	Kenai Kodiak Area Office
Seward FD	\$6,303.67	\$6,303.67	Kenai Kodiak Area Office
Western Emergency Services Area	\$6,782.66	\$6,782.66	Kenai Kodiak Area Office
Womens Bay VFD	\$6,067.39	\$6,067.39	Kenai Kodiak Area Office
Caswell Lakes FSA #135	\$6,912.27	\$6,912.27	Mat Su Area
Chickaloon Fire Service, Inc.	\$6,104.70	\$6,104.70	Mat Su Area
Chugiak Vol. Fire and Rescue Co. Inc.	\$7,000.00	\$0.00	Mat Su Area
Houston FD	\$6,840.00	\$6,840.00	Mat Su Area
Palmer Fire and Rescue	\$7,000.00	\$7,000.00	Mat Su Area
Talkeetna VFD	\$7,000.00	\$7,000.00	Mat Su Area
Willow VFD	\$6,261.91	\$6,261.91	Mat Su Area
Haines VFD	\$6,000.00	\$6,000.00	Southeast Alaska
Hyder VFD	\$6,696.00	\$6,696.00	Southeast Alaska
Sitka FD	\$6,233.40	\$6,233.40	Southeast Alaska
Native Village of Eagle	\$6,999.63	\$6,999.63	State of Alaska Protection
Dot Lake VFD	\$6,750.00	\$6,750.00	Tok Area Office
Tok VFD	\$6,354.55	\$6,354.55	Tok Area Office
Gakona VFD	\$6,948.00	\$6,948.00	Valdez-Copper River Area Office
Glenn-Rich Fire Rescue	\$6,999.65	\$6,999.65	Valdez-Copper River Area Office
Kennicott/McCarthy VFD	\$6,291.00	\$6,291.00	Valdez-Copper River Area Office
Kenny Lake VFD	\$7,000.00	\$7,000.00	Valdez-Copper River Area Office
Valdez FD	\$6,300.00	\$6,300.00	Valdez-Copper River Area Office
GRAND TOTAL	\$266,198.11	\$259,198.11	



Sponsored by: Administration

**CITY OF KENAI
ORDINANCE NO. 3408-2024**

AN ORDINANCE ACCEPTING AND APPROPRIATING A STATE OF ALASKA CODE BLUE FISCAL YEAR 2025 GRANT PASSED THROUGH THE SOUTHERN REGION EMS COUNCIL, INC. TO PURCHASE TWO VIDEO LARYNGOSCOPES.

WHEREAS, the Fire Department has been awarded a Code Blue FY25 Grant from Sothern Region EMS Council Inc. to purchase two video laryngoscopes; and,

WHEREAS, the cost to purchase these lifesaving advanced airway devices is \$7,398, for which the Fire Department will provide a local match of \$739.80; and,

WHEREAS, the Fire Department will use funds currently appropriated to meet the required match; and,

WHEREAS, appropriation of this grant for advanced medical care is in the best interest of the City to accept grant funding to purchase this equipment.

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

Section 1. That the City Manager is authorized to accept a grant in the amount of \$6,658.20 from the State of Alaska, passed through the Southern Region EMS Council, Inc. for two video laryngoscopes.

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

General Fund:

Increase Estimated Revenues – State Grants – Fire	<u>\$6,658.20</u>
--	-------------------

Increase Appropriations – Fire – Small Tools/Minor Equipment	<u>\$6,658.20</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 17TH DAY OF APRIL, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced: April 3, 2024
Enacted: April 17, 2024
Effective: April 17, 2024



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: Terry Eubank, City Manager
FROM: Tony Prior, Fire Chief
DATE: April 11, 2023
SUBJECT: Ordinance 3408-2024 Code Blue FY25 Grant

The Department received notification that its submittal for 2 video laryngoscopes, totaling \$7,398.00 to the Code Blue FY25 grant program was approved. This grant is part of the Governor’s Capital Equipment Bill, passed through the State of Alaska, Southern Region EMS Council to us. This equipment will give us the ability to perform life saving intubations in a safer manner and to continue to provide top quality emergency medical treatment to our patients.

There is a matching requirement of this grant in the amount of \$739.80, with the State Grant providing \$6,658.20 of the total cost for the equipment. Sufficient funds have been budgeted to meet the matching grant requirement and it is in the best interest of the City to accept this equipment from Southern Region EMS Council.

Your consideration is appreciated.



March 5, 2024

John Harris
City of Kenai Fire Department
105 S. Willow St.
Kenai, AK 99611

RE: Code Blue FY25

Dear John,

The Code Blue FY25 equipment request submitted by your agency for consideration has gone through a rigorous review process. There have been multiple review steps along the way, which include Southern Region staff, Board of Directors Equipment Review Committee, the Southern Region Board of Directors, and finally the Statewide Code Blue Steering Committee. During these steps, items have been considered based on many established criteria, including whether they are essential EMS equipment as defined in the statewide Code Blue manual (e.g., items for patient care/transport, EMS education, etc.), whether they meet minimum criteria, reasonableness of the request, application to the community setting, documentation of need, costs, how they fit into regional and statewide priorities, medical direction, and a host of others. In addition, there are always more requests than can ultimately be funded, so some simply do not make the list or their funding is capped.

The portion of funding we receive from the State via the Governor's Capital Equipment bill is currently pending in the legislative process. Once we have been notified, we will be contacting you to see if you still need the items and if you still have the community match available.

If your item is listed below as **Approved**, your project(s) are on the State Code Blue Equipment list and pending grant processes. If it is **Changed**, it was altered within the review process and an explanation will be detailed below. If it is listed as **Not Funded**, it will not be considered in this Code Blue phase and an explanation will be detailed below.

Item	Status	Local Match*	STATE	Unmet*	Total
Video Laryngoscope X2	<i>Approved</i>	\$739.80	\$6,658.20	\$0	\$7,398.00

*Your service is responsible for both the local match and any unmet funds.

** The Statewide Code Blue Steering Committee moved all requests for **Narcotic Safe** into the "Other" funding category which is lower on the funding scale. The Funding categories in order of priority are: 1 – Patient Care, 2 – Training Equipment, 3 – Transportation, 4 – Communications, 5 – Other per the Code Blue Program Manual. All available funding was allocated in categories 1 – 3 which means no State funding was available for projects in the "Other" category.

Thank you for all you do for EMS in Alaska. At Southern Region, we are working hard to support you in every way that we can.

Sincerely,

Michael M. Forcier, CEO



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Terry Eubank, City Manager

DATE: March 28, 2024

SUBJECT: **Action/Approval – Authorizing the City Manager to request a community purpose exemption to donate sand for the construction of the Triumvirate Theater.**

Representatives from the Triumvirate Theatre have requested the City seek a community purpose exemption from the Federal Aviation Administration in order to allow the Airport to provide sand, accumulated by the Airport from prior projects, for construction of the new theater at no cost. Construction of the theater is estimated to need 5,000 cubic yards of sand, or other non-frost susceptible material. The administration previously agreed to sell sand for the project at a cost of \$6.50 per yard. Total value of the sand needed is estimated to be \$32,500.

The Airport is no longer using this sand in its operations, making it available for sale. FAA grant assurances typically require that proceeds from the sale of the sand, like other airport resources, be used exclusively for the benefit of the airport. One allowable exception to these grant assurances is a community purpose exemption. A community purpose exemption allows for the use of airport resources for the benefit of the community without compensation to the airport. Requesting a community purpose exemption will involve the City providing justification for and requesting an exemption through the FAA's Anchorage office. This action/approval item requests Council's approval to request a community purpose exemption. If an exemption is granted, a subsequent resolution, authorizing the donation of sand, for the project will be prepared for Council's consideration.

If Council is in support of the administration seeking a community purpose exemption for the donation of sand to the Triumvirate Theatre construction project, the following motion should be made:

I move to authorize the City Manager to request a community purpose exemption from the Federal Aviation Administration to provide sand at no cost in support of construction of the new Triumphant Theatre.

**KENAI AIRPORT COMMISSION – REGULAR MEETING
MARCH 14, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR GLENDA FEEKEN, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Airport Commission was held on March 14, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Feeken called the meeting to order at approximately 6:05 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
Dan Pitts

Paul Minelga, Vice Chair
Jacob Caldwell

A quorum was present.

Absent:

James Zirul

Joshua Daily

Also in attendance were:

Derek Ables, Airport Manager
Scott Bloom, City Attorney
Henry Knackstedt, City Council Liaison

3. Agenda Approval

Chair Feeken noted that staff had requested the removal of item F4 from the agenda, along with the following additions to the packet:

Add to Item F.5

Discussion/Recommendation – Recommending Council Adoption of a Resolution Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement for the Kenai Municipal Airport

- Memo
- Upper Deck Agreement & Attachments
- Draft Resolution No. 2024-12

MOTION:

Commissioner Bielefeld **MOVED** to approve the agenda with the requested revisions. Vice Chair Minelga **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. January 11, 2024
2. February 8, 2024

MOTION:

Commissioner Bielefeld **MOVED** to approve the January 11 and February 8, 2024 Airport Commission minutes.

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

E. UNFINISHED BUSINESS – None.**F. NEW BUSINESS**

1. **Discussion/Recommendation** - Recommendations to Council for Changes to Kenai Municipal Code Chapter 21.20 Airport Commission, and Chapter 1.90 Standards for Boards, Commissions and Committees.

MOTION:

Vice Chair Minelga **MOVED** to recommend City Council adopt the proposed amendments to KMC Chapter 21.20 and Chapter 1.90 as provided in attachment A in the packet. Commissioner Bielefeld **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

Discussion ensued.

UNANIMOUS CONSENT was requested on the motion.

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

2. **Discussion/Recommendation** - Recommendation to Council to Change the Location of Airport Commission Regular Meetings to Kenai City Hall Council Chambers.

MOTION:

Commissioner Bielefeld **MOVED** to recommend City Council approval of amend Policy 20.020 to change the location of Airport Commission regular meetings to Kenai City Hall Council Chambers. Commissioner Caldwell **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

Discussion ensued.

UNANIMOUS CONSENT was requested on the motion.

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

3. **Discussion/Recommendation** – Recommending Council Enactment of Ordinance No. 3403-2024 - Amending Sections of Kenai Municipal Code Chapters 21.10- Leasing and Acquisition of Airport Reserve Lands, and 22.05-Disposition of City Lands, to Extend the Time Allowed for Private Development on City Leased Lots and Requiring Certain Financial Assurances Prior to Lease Execution.

MOTION:

Commissioner Bielefeld **MOVED** to recommend City Council enact Ordinance No. 3403-2024. Commissioner Caldwell **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

Discussion ensued.

UNANIMOUS CONSENT was requested on the motion.

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

4. **Discussion/Recommendation** – Recommending Council Adoption of a Resolution Authorizing the City Manager to Enter into a Restaurant Concession Agreement for the Kenai Municipal Airport.

This item was removed during agenda approval.

5. **Discussion/Recommendation** – Recommending Council Adoption of a Resolution Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement for the Kenai Municipal Airport.

MOTION:

Commissioner Caldwell **MOVED** to recommend City Council adopt a Resolution Authorizing the City Manager to Enter into a Bar and Lounge Concession Agreement. Vice Chair Minelga **SECONDED** the motion.

Airport Manager Ables gave a staff report from information provided in the packet.

UNANIMOUS CONSENT was requested on the motion.

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

G. REPORTS

1. Airport Manager – Airport Manager Ables reviewed his report as provided in the packet.
2. Commission Chair – No report.
3. City Council Liaison – Council Member Knackstedt reported on recent actions of the City Council.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – April 11, 2024

Commissioner Caldwell noted that he would be absent.

J. COMMISSION QUESTIONS AND COMMENTS – None.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS

1. Memorandum of Agreement with Greatland Consulting and Training LLC for Use of the Alaska Regional Fire Training Facility.
2. Repair and Maintenance Services Contract for Security Guard Services at the Kenai Municipal Airport.
3. A Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport.

There being no further business before the Airport Commission, the meeting was adjourned at 6:47 p.m.

I certify the above represents accurate minutes of the Airport Commission meeting of March 14, 2024.

Meghan Thibodeau
Deputy City Clerk

DRAFT

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MARCH 13, 2024 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JOE HALSTEAD, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on March 13, 2024, in City Hall Council Chambers, Kenai, AK. Chair Halstead called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Halstead led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Joe Halstead, Chair
Gwen Woodard
Jeff Twait

John Coston, Vice Chair
Sonja Barbaza
Diane Fikes

A quorum was present.

Absent:

Glenese Pettey

Also in attendance were:

Linda Mitchell, Planning Director
Victoria Askin, City Council Member
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

MOTION:

Commissioner Twait **MOVED** to approve the agenda and consent agenda. Vice Chair Coston **SECONDED** the motion.

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

Chair Halstead 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 February 14, 2024

Approved by the consent agenda.

2. *Regular Meeting of February 28, 2024

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS**

1. **Resolution No. PZ2024-06** – Recommending Denial on Preliminary Plat – Mommsen’s 2024 Replat for a Parcel Merger of Lot 2 Block 4, and Lot 2 Block 3. Mommsen’s Additions No’s 1 & 2 in the Suburban Residential (RS) Zoning District.

MOTION:

Commissioner Fikes **MOVED** to approve Resolution PZ2024-06. Commissioner Twait **SECONDED** the motion.

Director Mitchell gave a staff report as provided in the packet, explaining that the proposed plat would combine two lots. Staff’s findings were reviewed, and it was noted that staff’s recommendation is that the plat be denied as it does not meet all of the requirements of KMC Section 14.10.070 *Subdivision Design Standards*.

MOTION TO AMEND:

Commissioner Fikes **MOVED** to amend the title of Resolution PZ2024-06 to read: A Resolution Opposing the Preliminary Plat for Mommsen’s 2024 Replat. Commissioner Twait **SECONDED** the motion.

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

Chair Halstead opened the floor for public comment.

Marcus Mueller, Kenai Peninsula Borough Land Management Officer, provided background information on the proposed plat.

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

Discussion ensued.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Fikes, Woodard, Halstead, Barbaza

NAY: Twait, Coston

ABSENT: Pettey

MOTION PASSED.

2. **Resolution No. PZ2024-07** – Recommending Approval on Preliminary Plat – Michael J. Pelch Homestead Jr. Addition No. 4 for a Replat of Tracts G, A-1, A-2, and A-3, Michael J. Pelch Homestead Jr. Addition No. 3 in the Rural Residential (RR) Zoning District.

MOTION:

Vice Chair Coston **MOVED** to approve Resolution PZ2024-07. Commissioner Woodard **SECONDED** the motion.

Director Mitchell gave a staff report as provided in the packet, explaining the replat into seven lots. Staff’s findings were reviewed, and it was noted that staff’s recommendation is approval subject to the following conditions:

1. Further development of the property will conform to all federal, State of Alaska, and local regulations.
2. Remove Note 6 on the preliminary plat as the State no longer maintained the right-of-way affecting the preliminary plat and renumber accordingly.
3. The developer will install a T-shaped turnaround, also known as a hammerhead, as an acceptable alternative.

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

MOTION TO AMEND:

Commissioner Twait **MOVED** to amend Section 1, condition 3 to specify that the hammerhead turnaround be located at the end of Pelch Drive. Commissioner Fikes **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Twait, Fikes, Woodard, Barbaza, Coston, Halstead
 NAY: None
 ABSENT: Pettey

MOTION PASSED WITHOUT OBJECTION.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Coston, Barbaza, Woodard, Twait, Fikes, Halstead
 NAY: None
 ABSENT: Pettey

MOTION PASSED WITHOUT OBJECTION.

F. PUBLIC HEARINGS

1. **Resolution No. PZ2024-05** – Granting a Conditional Use Permit to Allow a Recreational Vehicle (RV) Park on the Property Located at 813 Riverview Drive in the Central Commercial (CC) Zoning District.

MOTION:

Commissioner Twait **MOVED** to approve Resolution PZ2024-05. Vice Chair Coston **SECONDED** the motion.

Director Mitchell presented her staff report with information provided in the packet, and explained that the applicant has requested a conditional use permit (CUP) for a Recreational Vehicle Park. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Provide a minimum 4-foot landscape island between RV spaces and a minimum 5-foot landscape buffer strip from the interior lot lines to ensure RV space occupants and abutting properties are protected from noise and privacy.
4. The RV park is not to become a nuisance to surrounding properties. The RV park must control dust, shield lighting from other properties, prohibit loud noises and maintain a clean and orderly appearance free from refuse.

Applicant Travis Lofstedt was available for questions. In response to questions from the Commission, he provided clarification on the size of vehicles to be allowed in the proposed park.

Chair Halstead opened the floor for public hearing; there being no one wishing to be heard, the public hearing period was closed.

Clarification was provided on how the lot would be affected by the bluff stabilization project. The Commission discussed whether bearproof containers should be required for disposal of fish.

VOTE:

YEA: Barbaza, Halstead, Fikes, Coston,

NAY: None

ABSENT: Pettey

MOTION PASSED WITHOUT OBJECTION.

Chair Halstead noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the February 28, 2024 Regular Meeting - Coston

Approved by the consent agenda.

I. REPORTS

1. Planning Director – Planning Director Mitchell reported on the following:
 - Thanked commissioners for participating in online training course.
 - A trash code violation was successfully resolved.
 - Planning Technician Brandon McElrea is being trained to present staff reports for future meetings.
 - No agenda items yet for the March 27th meeting; may be cancelled.
2. Commission Chair – Chair Halstead noted that he had begun the online training program.
3. Kenai Peninsula Borough Planning – No report.
4. City Council Liaison – Council Member Askin reported on recent actions of the City Council.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: March 27, 2024

Vice Chair Coston noted that he would be participating remotely.

L. COMMISSION COMMENTS AND QUESTIONS – None.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 8:05 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of March 13, 2024.

Meghan Thibodeau
Deputy City Clerk

DRAFT

PROCLAMATION

WHEREAS, sexual assault is an intolerable violent crime with public health implications for every person in the central Kenai Peninsula, and no one person, organization, agency or community can eliminate sexual assault alone; and,

WHEREAS, sexual violence prevention can be better addressed through education, counseling, support of victims/survivors, and increased support for service agencies in collaboration with The LeeShore Center; and,

WHEREAS, the LeeShore Center, its staff and volunteers work year around to address sexual assault by providing 24-hour crisis services, offering support to those impacted by sexual assault, and providing prevention education and survivor empowerment information to schools, churches, and civic organizations, as well as to medical, mental health, law enforcement, education and criminal justice personnel; and,

WHEREAS, The LeeShore Center continues to develop and improve the quality of service for those most profoundly and directly impacted by sexual violence.

NOW, THEREFORE, I, HENRY KNACKSTEDT, VICE MAYOR OF THE CITY OF KENAI, ALASKA, hereby proclaim April 2024 as:

“Sexual Assault Awareness Month”

in the City of Kenai and urge all citizens to support and assist The LeeShore Center as it continues its efforts to bring real hope for freeing the central Kenai Peninsula from the tragedy of sexual violence and exploitation.

DATED: This 3rd day of April, 2024.

Henry Knackstedt, Vice Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk