



Kenai City Council - Regular Meeting

September 01, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

- 1. Ordinance No. 3234-2021** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund, Amending the City's Professional Services Agreement with HDL Engineering Consultants, Accepting Grant Funding from the Federal Aviation Administration, and Issuing a Purchase Order for Construction of the 2021 Airfield Drainage Rehabilitation Project at the Kenai Municipal Airport. (Administration)
 - **SUBSTITUTE Ordinance No. 3234-2021**
- 2. Ordinance No. 3235-2021** - Accepting and Appropriating a Grant from the State of Alaska for the Purchase of Library Books. (Administration)
- 3. Ordinance No. 3236-2021** - Amending the Official Zoning Map by Rezoning T 5N R 11W Sec 6 Seward Meridian KN North 150 Ft of Govt Lot 34 from Suburban Residential to General Commercial. (Administration)
- 4. Ordinance No. 3237-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Land Administration Department to Provide Funding for a Kenai Waterfront Revitalization Feasibility Study. (Administration)

- 5. Ordinance No. 3244-2021** - Increasing Estimated Revenues and Appropriations in the General and Municipal Roadway Improvement Capital Project Funds, awarding a Construction Contract, and Authorizing the Issuance of a Purchase Order for the 2021 Bryson Avenue Bluff Erosion Repair Project. (Administration)
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Adoption (Requires Five Affirmative Votes)
- 6. Resolution No. 2021-56** - Approving the Vacation of 10' Utility Easements Along the Side Lot Lines of Lots, 19, 20, 21, Block 13, Carl F. Ahlstrom Subdivision (Plat KN-216) and Lot 22a, Block 13, Carl F. Ahlstrom Subdivision RPM's Replat (Plat KN-2017-66) Excluding the 15 Feet Adjoining Kenai Spur Highway and the 10 Feet Adjoining the Northeast Boundary, and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)

E. MINUTES

- 1.** *Regular Meeting of August 18, 2021. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

- 1.** *Action/Approval - Bills to be Ratified. (Administration)
- 2.** *Action/Approval - Non-Objection to Marijuana License Renewals for Kenai River Cannabis, Herban Extracts, LLC, and Peninsula Botanicals. (City Clerk)
- 3.** *Ordinance No. 3238-2021 - Accepting and Appropriating an Interlibrary Cooperation Grant from the Alaska State Library for the Kenai Community Library Storywalk® Project. (Administration)
- 4.** *Ordinance No. 3239-2021 - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant From the Department of Justice Passed Through the Alaska Internet Crimes Against Children Task Force for the Purchase of Forensic Software. (Administration)
- 5.** *Ordinance No. 3240-2021 - Amending Kenai Municipal Code Section 23.55.030 – Qualification Pay, to Amend the Salary Ranges to Accurately Reflect Recognition Pay and Entitlements. (Administration)
- 6.** *Ordinance No. 3241-2021 - Declaring that, T 5N R 11W Sec 6 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 8, Also Known as 604 Inlet Street, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records was Peter F. Mysing, Whose Address is, PO Box 8134, Nikiski, Alaska, 99635-8134 and Estate of Peter F. Mysing CO/ Dale Dolifka, PO Box 498, Soldotna, AK, 99669-0498, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)
- 7.** *Ordinance No. 3242-2021 - Declaring that, T 5N R 11W Sec 5 Seward Meridian KN 0002970 Original Townsite of Kenai Lot 3 Blk 20, Also Known as 905 Mission Avenue, Kenai, Alaska, Whose Last Record Owner Under Borough Assessment Records Was Keith

K. Knight, General Delivery, Kenai, Alaska, Shall be Retained by the City of Kenai for a Public Purpose. (Administration)

8. Ordinance No. 3243-2021 - Amending Kenai Municipal Code 14.20.150-Conditional Use Permits, to Clarify Roles and Responsibilities of Applicants, the Planning Director, and the Planning Commission in the Conditional Use Process and Make Housekeeping Changes. (Vice Mayor Molloy)

9. *Ordinance No. 3245-2021 - Authorizing a Budget Transfer in and Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for the Purchase and Installation of Equipment to Provide Residents Basic Television and Wireless Internet Service. (Administration)

10. Action/Approval - Revise the Council on Aging Meeting Time, Pursuant to Policy, from 4:30 p.m. to 3:00 p.m. (City Clerk)

11. Discussion - Set the Process for the Hiring a City Clerk. (Mayor Gabriel)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

- 1. Ordinance No. 3224-2021** - Repealing and Reenacting Kenai Municipal Code Title 6 - Elections, to Provide Clarity, Housekeeping, and Process Improvements. (Vice Mayor Molloy and City Clerk)
[Clerk's Note: At the August 4 Council Meeting, this item was postponed to the September 15 Council Meeting for a second public hearing. A motion to enact is on the floor.]

N. ADJOURNMENT**O. INFORMATION ITEMS**

- 1.** Purchase Orders Between \$2,500 and \$15,000
- 2.** Kenai Historical Society Newsletter - August 2021

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

Join Zoom Meeting

<https://us02web.zoom.us/j/81610177632>

Meeting ID: 816 1017 7632 **Passcode:** 237472

OR

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

Meeting ID: 816 1017 7632 **Passcode:** 237472



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3234-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT IMPROVEMENTS CAPITAL PROJECT FUND, AMENDING THE CITY'S PROFESSIONAL SERVICES AGREEMENT WITH HDL ENGINEERING CONSULTANTS, ACCEPTING GRANT FUNDING FROM THE FEDERAL AVIATION ADMINISTRATION, AND ISSUING A PURCHASE ORDER FOR CONSTRUCTION OF THE 2021 AIRFIELD DRAINAGE REHABILITATION PROJECT AT THE KENAI MUNICIPAL AIRPORT.

WHEREAS, HDL Engineering Consultants has completed the initial design phase for the Airfield Drainage Project, also known as Task 5 under our current agreement, and final bid documents were provided to the City on July 26, 2021 and formally released for bids on July 28, 2021 with bids due on August 19, 2021; and,

WHEREAS, this project is addressing approximately 500 lineal feet of failing storm water infrastructure within the safety area of the runway at the Kenai Municipal Airport; and,

WHEREAS, the amendment to the professional services agreement will provide for Construction Administrative services in the amount of \$19,720; and,

WHEREAS, the Grant to be received from the Federal Aviation Administration is anticipated to be in the amount of \$506,500, with \$474,844 as the federal share and \$31,656 as the City share; and,

WHEREAS, the City has already contributed \$300,000 to start the project, the majority of which will be returned to the Airport Special Revenue Fund where it can allocated to other projects in the future; and,

WHEREAS, the grant amounts above include all costs associated with Design, Construction, City Administration and permit fees; and,

WHEREAS, the following bids were received on August 19, 2021 and _____ was found to be the lowest responsive responsible bidder;

| Company | Bid Amount |
|---------|------------|
| | |
| | |
| | |

; and,

WHEREAS, Award to _____ is in the best interest of the City.

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

Section 1. The City Manager is authorized to execute a professional services agreement amendment in the amount of \$19,720 to HDL Engineering Consultants and increase their existing Purchase Order 121702 by the same amount.

Section 2. The City Manager is authorized to accept a grant from the Federal Aviation Administration in support of this project and to expend the funds in adherence to the grant conditions and this ordinance.

Section 3. The City Manager is authorized to execute a construction contract in the amount of \$XXX,XXX with _____, the lowest qualified bidder, and issue a purchase order in the amount of \$_____ for construction including contingency of \$XX,XXX.

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

| | |
|--|------------------|
| <u>Airport Improvement Capital Project Fund:</u> | |
| Increase Estimated Revenues – FAA Grant | <u>\$474,844</u> |
| Increase Appropriations: | |
| KMA Airfield Drainage Improvements Project – Construction | <u>\$474,844</u> |

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

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


ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 1st day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Ordinance No. 3234-2021
Page 3 of 3

Approved by Finance: 

Introduced: August 18, 2021
Enacted: September 1, 2021
Effective: September 1, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin
DATE: August 12, 2021
SUBJECT: Ordinance No. 3234-2021

The purpose of this memo is to request Council's approval to accept grant funding from the Federal Aviation Administration (FAA) for the 2021 KMA Airfield Drainage Improvements project. As council may recall last fall, Airport Operations Staff started to notice settlement within the safety field areas of the runway. HDL Engineering was tasked with identifying the source and extent of the issues. A CCTV Camera inspection was conducted in December 2020 which identified the areas of the failing pipeline to be included within this project.

Staff and consultants working through our FAA partners developed the project with finalized bid ready construction documents becoming available on July 26, 2021. The project was formally released for bids on July 28, 2021 and bids are due on August 19, 2021. Council should anticipate amendments to the Ordinance at the September 1, 2021 council meeting to fill in the blanks based on the actual bids received.

As the construction season is nearing the end, the department is intending on completing this work prior to winter setting in, which is why the Ordinance is being introduced prior to bid opening. Successful completion of this work will save KMA staff the time and maintenance with having to continually fill in sink holes within this area in order to maintain a safe airfield.

This project is of a limited scope resolving high priority storm water pipeline failures roughly in the amount of five hundred lineal feet. More of this type of work is expected to be completed within a future runway rehabilitation project. The new piping is expected to last for decades.

Council's support is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

SUBSTITUTE ORDINANCE NO. 3234-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT IMPROVEMENTS CAPITAL PROJECT FUND, AMENDING THE CITY'S PROFESSIONAL SERVICES AGREEMENT WITH HDL ENGINEERING CONSULTANTS, ACCEPTING GRANT FUNDING FROM THE FEDERAL AVIATION ADMINISTRATION, AND ISSUING A PURCHASE ORDER FOR CONSTRUCTION OF THE 2021 AIRFIELD DRAINAGE REHABILITATION PROJECT AT THE KENAI MUNICIPAL AIRPORT.

WHEREAS, HDL Engineering Consultants has completed the initial design phase for the Airfield Drainage Project, also known as Task 5 under our current agreement, and final bid documents were provided to the City on July 26, 2021 and formally released for bids on July 28, 2021 with bids due on August 19, 2021; and,

WHEREAS, this project is addressing approximately 500 lineal feet of failing storm water infrastructure within the safety area of the runway at the Kenai Municipal Airport; and,

WHEREAS, the amendment to the professional services agreement will provide for Construction Administrative services in the amount of \$19,720; and,

WHEREAS, the Grant to be received from the Federal Aviation Administration is anticipated to be in the amount of \$530,945, with \$497,761 as the federal share through our normal airport improvement program grant and \$33,184 that would typically be the City share is anticipated to be covered by a (CRRSAA) Coronavirus Response & Relief Supplemental Appropriations Act grant; and,

WHEREAS, the City has already contributed \$300,000 to start the project, the majority of which will be returned to the Airport Special Revenue Fund where it can allocated to other projects in the future; and,

WHEREAS, the grant amounts above include all costs associated with Design, Construction, City Administration and permit fees; and,

WHEREAS, only one bid was received in response to the City's RFP on August 19, 2021 by BMGC LLC and they were found to be the lowest responsive responsible bidder;

| Company | Bid Amount |
|----------|------------|
| BMGC LLC | \$360,225 |
| | |
| | |

; and,

WHEREAS, award to BMGC LLC is in the best interest of the City.

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

Section 1. The City Manager is authorized to execute a professional services agreement amendment in the amount of \$19,720 to HDL Engineering Consultants and increase their existing Purchase Order 121702 by the same amount.

Section 2. The City Manager is authorized to accept a grant from the Federal Aviation Administration in support of this project and to expend the funds in adherence to the grant conditions and this ordinance.

Section 3. The City Manager is authorized to execute a construction contract in the amount of \$360,225 with BMGC LLC, the lowest qualified bidder, and issue a purchase order in the amount of \$378,225 for construction including contingency of \$18,000.

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

Airport Improvement Capital Project Fund:

| | |
|--|------------------|
| Increase Estimated Revenues – | |
| FAA Airport Improvement Program Grant | \$497,761 |
| Coronavirus Response & Relief Supplemental Appropriations Act (CRRSAA) Grant | <u>33,184</u> |
| | <u>\$530,945</u> |
| | |
| Increase Appropriations: | |
| KMA Airfield Drainage Improvements Project – Construction | <u>\$530,945</u> |

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

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


ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 1st day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Ordinance No. 3234-2021
Page 3 of 3

Jamie Heinz, MMC, City Clerk

Approved by Finance:  _____

Introduced: August 18, 2021
Enacted: September 1, 2021
Effective: September 1, 2021



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3235-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE STATE OF ALASKA FOR THE PURCHASE OF LIBRARY BOOKS.

WHEREAS, the City of Kenai received a grant from the State of Alaska, Department of Education and Early Development for the purchase of library books; and,

WHEREAS, it is in the best interest of the City of Kenai to appropriate these grant funds for the purpose intended.

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

Section 1. That the City Manager is authorized to accept a grant from the State of Alaska, Department of Education and Early Development in the amount of \$7,000 for the purchase of library books and to execute grant agreements and to expend the grant funds to fulfill the purpose and intent of this Ordinance.

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

General Fund:

| | |
|---|----------------|
| Increase Estimated Revenues – Library—State Grants | <u>\$7,000</u> |
| Increase Appropriations – Library--Books | <u>\$7,000</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 1st day of September, 2021.

Ordinance No. 3235-2021
Page 2 of 2

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: *J. Heinz*

Introduced: August 18, 2021
Enacted: September 1, 2021
Effective: September 1, 2021



MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Katja Wolfe, Library Director

DATE: August 5, 2021

SUBJECT: **Ordinance 3235-2021 Accepting and Appropriating a Grant from the State of Alaska**

The Library has been awarded the annual Public Library Assistance Grant by the State of Alaska, Department of Education and Early Development. As per the grant award, the amount of \$7,000 is to be used for the purchase of books and should be deposited in account 001-440-4666.

The Library Director completes an application each year in order to receive these funds. Certain minimum standards must be met in order to receive this grant. These include reporting requirements on expenditures and collection statistics, the number of hours that the library is open to the public, minimum educational requirements for the Library Director and continuing education requirements.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3236-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING THE OFFICIAL ZONING MAP BY REZONING T 5N R 11W SEC 6 SEWARD MERIDIAN KN NORTH 150 FT OF GOVT LOT 34 FROM SUBURBAN RESIDENTIAL TO GENERAL COMMERCIAL.

WHEREAS, T 5N R 11W SEC 6 SEWARD MERIDIAN KN NORTH 150 FT OF GOVT LOT 34 is currently zoned Suburban Residential; and,

WHEREAS, the City of Kenai received a rezone application from the majority property owner in accordance with Kenai Municipal Code 14.20.270, Amendment Procedures; and,

WHEREAS, the RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems; and,

WHEREAS, the CG Zone is intended to provide for areas where a broad range of retail, wholesale, and service establishments is desirable and uses are regulated to concentrate commercial development to the greatest extent possible; and,

WHEREAS, the rezone request enlarges an adjacent zoning district boundary; and,

WHEREAS, access to the area to be rezoned is provided via an easement from the adjacent Kenaitze Indian Tribe owned parcel at 11823 Kenai Spur Highway; and,

WHEREAS, other parcels in the CG Zone border are adjacent to the subject parcel, creating a contiguous CG Zone border; and,

WHEREAS, the CG Zone is consistent with commercial development in the vicinity and will not impact residential housing or the quality of neighborhoods within the City; and,

WHEREAS, the rezone is consistent with Goal 2 – Economic Development: Provide economic development to support the fiscal health of Kenai of the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan; and,

WHEREAS, the rezone is consistent with Goal 3 – Land Use: Develop land use strategies to implement a forward-looking approach to community growth and development of the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan; and,

WHEREAS, the City of Kenai Planning and Zoning Commission voted unanimously to recommend the property be rezoned to General Commercial during a public hearing held at their meeting on July 28, 2021.

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

Section 1. That pursuant to KMC 14.20.030 Establishment of Zones and Official Zoning Map, the official City of Kenai Zoning Map is hereby amended by rezoning T 5N R 11W SEC 6 SEWARD MERIDIAN KN NORTH 150 FT OF GOVT LOT 34 at KPB#04702011 from Suburban Residential (RS) to General Commercial (CG).

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 1st day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Introduced: August 18, 2021
Enacted: September 1, 2021
Effective: October 1, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: August 10, 2021

SUBJECT: **Ordinance 3236-2021 – Rezone Parcel KPB# 04702011 from Suburban Residential to General Commercial**

A completed application was submitted to the City requesting that parcel KPB# 04702011 T 5N R 11W SEC 6 Seward Meridian KN North 150 FT OF GOVT Lot 34, located adjacent to 11823 Kenai Spur Highway, be rezoned from Suburban Residential (RS) to General Commercial (CG). Kenai Municipal Code (KMC) 14.20.270, Amendment procedures, describes initiation of zoning code and official map amendments. Zoning code amendments may be initiated by a submission of a petition by a majority of the property owners in the area for consideration only if the area to be rezoned contains a minimum of one acre unless the amendment enlarges an adjacent district boundary. The Kenaitze Indian Tribe is the owner of adjacent parcels zoned General Commercial, KPB# 04702199 consisting of 4.82 acres and KPB# 04702017 consisting of 0.11 acres, for a total of approximately 4.93 acres adjacent to the subject property. The requested rezone meets the criteria for an amendment.

The subject parcel is located between the Kenai Spur Highway and Spruce Street, with no direct road access from the property. Access is provided via an easement from the adjacent Kenaitze Indian Tribe owned parcel at 11823 Kenai Spur Highway. The subject parcel is vacant and surrounded by vacant land to the north (zoned General Commercial), south (zoned Suburban Residential), and east (zoned Townsite Historic). To the west is Our Lady of Angels Parish of Archdiocese of Anchorage, which is zoned Suburban Residential (RS).

The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The CG Zone is intended to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and new residential uses and other noncommercial uses are not permitted in this zone as principal uses.

The CG Zone is more consistent with the location/layout of the parcel. The applicant has indicated plans for building two greenhouses for private use, which requires a conditional use permit in the RS Zone, but does not require a conditional use permit in a CG Zone. A neighborhood is not adjacent to the subject parcel and a rezone would not impact residential housing or the quality of

neighborhoods within the City. Spruce Street is a paved and city-maintained street. City sewer and water is located in the Spruce Street right-of-way.

The 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan supports this rezoning in several ways:

- Goal 2 – Economic Development: Provide economic development to support the fiscal health of Kenai.
 - ED-6: Prior to zoning property to commercial, consider if use has access to collector or arterial road, access to city services, and that potential conflicts with adjacent non-commercial use have been minimized through site design, landscaping, or other appropriate measures. *The subject parcel shares access to both Spruce Street and the Kenai Spur Highway with 11823 Kenai Spur Highway to the north. City services such as sewer, water, and paved roads are in the vicinity of the subject parcel. Non-commercial uses should not be negatively impacted by the rezoning. The only non-commercial use adjacent to the subject parcel is the Our Lady of Angels Parish of Archdiocese of Anchorage, which is fronted on Spruce Street, and the subject parcel is behind them.*
- Goal 3 – Land Use: Develop land use strategies to implement a forward-looking approach to community growth and development.
 - LU-1: Establish siting and design standards so that development is in harmony and scale with surrounding uses. *A rezoning to CG would align the parcel with the much larger parcel to the north that is zoned CG. The Kenaitze Indian Tribe owns both of these parcels.*
 - LU-2: Promote the infill of existing, improved subdivision lots. *The parcel is currently vacant and underutilized. Two greenhouses are proposed for the property.*
 - LU-11: Where feasible, consolidate access to and between land uses via frontage roads or by shared driveways onto main streets/highways. *The subject parcel shares access to Spruce Street with the parcel to the north.*

The Kenai Planning and Zoning Commission considered this request during their meeting on July 28, 2021 and unanimously recommended City Council approve of the rezone request for T 5N R 11W SEC 6 Seward Meridian KN North 150 FT OF GOVT Lot 34 located adjacent to 11823 Kenai Spur Highway from the Suburban Residential Zone to the General Commercial Zone. The Planning and Zoning Commission recommended the property owner contact the City of Kenai Planning and Zoning Department to assign an address to the parcel. Thank you for your consideration.

Attachment A: Rezoning Application

Attachment B: Planning and Zoning Commission Resolution PZ2021-27

Attachment C: Parcel Map





Rezoning Application

City of Kenai
 Planning and Zoning Department
 210 Fidalgo Avenue
 Kenai, AK 99611
 (907) 283-8200
 planning@kenai.city
 www.kenai.city/planning

PETITIONER

| | | | | | | | |
|------------------|-----------------------|-------|-------------------|--------|----|-----------|-------|
| Name: | Kenaitze Indian Tribe | | | | | | |
| Mailing Address: | 150 Willow Street | City: | Kenai | State: | AK | Zip Code: | 99611 |
| Phone Number(s): | (907) 335-7500 | | 907-529-7692 cell | | | | |
| Email: | dohler@kenaitze.org | | | | | | |

PROPERTY INFORMATION

| | |
|---------------------------------------|--|
| Kenai Peninsula Borough Parcel # (s): | 04702011 |
| Physical Address: | 11823 Kenai Spur Highway |
| Legal Description: | T 5 N R 11W SEC 6 Seward Meridian KN North 150 Ft of GOVT Lot 34 |

ZONING INFORMATION

| | |
|----------------|----------------------|
| Present Zone: | Suburban Residential |
| Proposed Zone: | General Commercial |

Intended Use and/or Reason for Rezoning (attach additional sheets if necessary):
 To erect one existing and one new greenhouse for private use

AMENDMENT PROCEDURE REQUIREMENTS

| | |
|---|--|
| The area proposed to be rezoned contains a minimum of 1 acre (excluding street or alley rights-of-way), unless the amendment enlarges an adjacent zoning district boundary. See attached | NO <input type="checkbox"/> YES <input type="checkbox"/> |
| This proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous 9 months. | <input checked="" type="checkbox"/> YES |
| I understand a public hearing is required as outlined in the Kenai Zoning Code, a fee is required as posted in the City's Fee Schedule, and that this application will be reviewed following Kenai City Code 14.20.270, available at kenai.municipal.codes/KMC/14.20.270. | <input checked="" type="checkbox"/> YES |
| I have included a map of the proposed rezone area and applicable signatures. | <input checked="" type="checkbox"/> YES |

The proposed Zoning Code and Official Zoning Map Amendments is initiated by (check one):

- Kenai City Council
- Kenai Planning & Zoning Commission
- Petition of majority of the property owners in the area to be rezoned
- Petition bearing the signatures of 50 registered voters within the City of Kenai
- Petition as provided by the Home Rule Charter of the City of Kenai

PETITIONER'S SIGNATURE

| | | | |
|---------------|---------------------------------|-------|----------|
| Signature: | <i>Dawn Nelson</i> | | |
| Printed Name: | Dawn Nelson, Executive Director | Date: | 6.8.2021 |

For City Use Only

Date Application Fee Received: 6/25/21
 PZ Resolution Number: P22021-

City of Kenai
11823 Kenai Spur Highway Property
Rezoning Application
Additional Narrative
06-08-2021

The 11823 Kenai Spur Highway property spanning between Kenai Spur Highway and Spruce Avenue is owned by the Kenaitze Indian Tribe and consists of three parcels of property. The Parcel No.'s are as follows: 04702017, 04702199, and 04702011. Parcel No.'s 04702017 and 04702199 are zoned General Commercial, and Parcel No. 04702011 is zoned as Suburban Residential.

Parcel No. 04702011 is a land-lock parcel with no designated road access, with property ownership by Our Lady of Angels on the West and South side and Diocese of Sitka & Alaska Orthodox Church on the West side. It is unknown at this time the zoning of these three properties.

The parcel in question is shy of the 1 acre requirement for rezoning equating to .92. However, Parcel No.'s 04702017 and 04702199 are zoned General Commercial and Kenaitze Indian Tribe request to have the adjoining parcel 04702011 zoned the same as parcels 04702017 and 04702199.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-27**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI APPROVE THE REZONE REQUEST T 5N R 11W SEC 6 SEWARD MERIDIAN KN NORTH 150 FT OF GOVT LOT 34 FROM SUBURBAN RESIDENTIAL TO GENERAL COMMERCIAL

WHEREAS, the City of Kenai received a rezone application from the majority property owner in accordance with Kenai Municipal Code 14.20.270, Amendment procedures; and,

WHEREAS, the RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems; and,

WHEREAS, the CG Zone is intended to provide for areas where a broad range of retail, wholesale, and service establishments is desirable and uses are regulated to concentrate commercial development to the greatest extent possible; and,

WHEREAS, the rezone request enlarges an adjacent zoning district boundary; and,

WHEREAS, access to the area to be rezoned is provided via an easement from the adjacent Kenaitze Indian Tribe owned parcel at 11823 Kenai Spur Highway; and,

WHEREAS, other parcels in the CG Zone border are adjacent to the subject parcel, creating a contiguous CG Zone border; and,

WHEREAS, the CG Zone is consistent with commercial development in the vicinity and will not impact residential housing or the quality of neighborhoods within the City; and,

WHEREAS, the rezone is consistent with Goal 2 – Economic Development: Provide economic development to support the fiscal health of Kenai of the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan.

WHEREAS, the rezone is consistent with Goal 3 – Land Use: Develop land use strategies to implement a forward-looking approach to community growth and development of the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the Kenai City Council approve of the rezone request of T 5N R 11W SEC 6 SEWARD MERIDIAN KN NORTH 150 FT OF GOVT LOT 34 from Suburban Residential to General Commercial.

Resolution No. PZ2021-27
Page 2 of 2

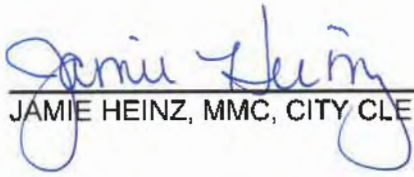
Section 2. That a copy of Resolution PZ2021-27 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 28th day of July, 2021.



JEFF TWAATT, CHAIRPERSON

ATTEST:



JAMIE HEINZ, MMC, CITY CLERK





ORDINANCE 3236-2021 REZONING
T 5N R 11W SEC 6 Seward Meridian KN North
150 FT OF GOVT Lot 34
KPB #04702011



LEGEND

Subject Parcel

0 40 80 Feet

Date: 8/10/2021

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





Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3237-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND – LAND ADMINISTRATION DEPARTMENT TO PROVIDE FUNDING FOR A KENAI WATERFRONT REVITALIZATION FEASIBILITY STUDY.

WHEREAS, the City of Kenai 2030 Comprehensive Plan states that the City should develop land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the Comprehensive Plan specifically identifies the waterfront adjacent to Bridge Access Road beginning at Millennium Square to the City Dock as an area where revitalization strategies should be explored; and,

WHEREAS, the City Council held a work session on August 4, 2021 to gauge the interest of the community in the revitalization of this area and to discuss the need for a feasibility report that will refine the vision of the community, determine if redevelopment of this area fits into the community’s goals and objectives, determine what types of development is most appropriate, and identify how the City can best support revitalization of the area; and,

WHEREAS, the estimated cost of the feasibility report, based on the preliminary scope of work and the cost of similar studies in other communities in Alaska is \$75,000; and,

WHEREAS, due to the unique nature of this work and the possibility that additional items may be identified that should be added to the scope of the contract, this ordinance appropriates \$20,000 in contingency; and,

WHEREAS, the Airport Commission reviewed the Kenai Waterfront Revitalization and Economic Incentives materials provided at the August 4, 2021 Work Session at its meeting on August 26, 2021 and recommended _____; and,

WHEREAS, the Harbor Commission reviewed the Kenai Waterfront Revitalization and Economic Incentives materials provided at the August 4, 2021 Work Session at its meeting on August 23, 2021 and recommended _____; and,

WHEREAS, the Planning and Zoning Commission reviewed the Kenai Waterfront Revitalization and Economic Incentives materials provided at the August 4, 2021 Work Session at its meeting on August 25, 2021 and recommended _____; and,

WHEREAS, the recommendation in the City of Kenai Comprehensive Plan to review revitalization strategies in this area, the public support demonstrated during the Council August 4, 2021 work session, and the transformative opportunity for economic development and community enhancement through the redevelopment of this area demonstrates that funding a feasibility study for this area is in the best interest of the residents of the City.

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:

General Fund:

| | |
|---|-----------------|
| Increase Estimated Revenues – | |
| Appropriation of Fund Balance | <u>\$95,000</u> |
| | |
| Increase Appropriations – | |
| Land Administration – Professional Services | <u>\$95,000</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 1st day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: August 18, 2021
Enacted: September 1, 2021
Effective: September 1, 2021



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Paul Ostrander, City Manager

DATE: August 10, 2021

SUBJECT: **Ordinance 3237-2021 – Appropriation to Fund a Kenai Waterfront Revitalization Feasibility Study**

At the August 4, 2021 Council work session, administration presented the framework of a process to pursue revitalization strategies on the Kenai waterfront and received testimony from the public and feedback and direction from Council. The effort to determine how the City can facilitate the redevelopment of our waterfront will be a multi-year effort with the first step being the completion of a feasibility study.

Ordinance 3237-2021 will appropriate \$95,000 from the City's General Fund to pay for the Study. This includes \$20,000 in contingency due to the unique nature of the Study and the possibility that the scope of work may change as the project unfolds.

The draft scope of work for the feasibility study is under development and will be provided for the September 1, 2021 Council meeting. Generally, the scope will be focused on the following:

- Evaluate market conditions and identify opportunities for potential revitalization of the area
- Review and recommend any necessary changes to existing plans, zoning, and/or regulations
- Engage community and develop vision, core concepts, and priorities
- Assess infrastructure needs to support redevelopment
- Identify economic investments and incentives that encourage development
- Prepare examples of conceptual plans for potential site redevelopment alternatives
- Prepare financial analysis to evaluate the feasibility of redevelopment concepts

It is evident from public testimony that there is significant interest in development of this area to achieve its full potential. Because of the transformative opportunity that development of this area has for the City, a Study that will identify how the City can best support revitalization of the area is an important first step.

Thank you for your consideration.



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Paul Ostrander, City Manager

DATE: August 24, 2021

SUBJECT: **Ordinance 3237-2021 – Appropriation to Fund a Kenai Waterfront Revitalization Feasibility Study**

On August 18, Administration committed to providing a more developed scope of work for the Kenai Waterfront Redevelopment Assessment and Feasibility Study at the September 1 City Council Meeting. Ordinance 3237-2021 will appropriate \$95,000 from the City's General Fund to pay for the Study. This appropriation includes \$20,000 in contingency to allow for additional work under the Scope of Services.

The attached Draft Request for Proposals (RFP), which includes the scope of services, is provided for your information and will be finalized by Administration before the RFP is issued. The RFP requires proposers to submit a base bid for the Kenai Waterfront Feasibility Study and a deductive alternate for Conceptual Plans and Financial Feasibility Analysis, allowing the City to award any combination of the base bid and deductive alternate that provides the best value to the residents of Kenai.

Attachment

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CITY OF KENAI

REQUEST FOR PROPOSALS (RFP)

Kenai Waterfront Redevelopment
Assessment and Feasibility Study

ISSUED

September 3, 2021

PROPOSAL DELIVERY DEADLINE

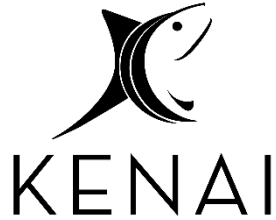
5:00 PM October 1, 2021

Issued By:

CITY OF KENAI
Administration
210 Fidalgo Avenue
Kenai, AK 99611

Point of Contact:

Christine Cunningham
ccunningham@kenai.city
(907) 283-8223



CITY OF KENAI
210 FIDALGO AVENUE
KENAI, ALASKA 99611-7794
(907) 283-8223

REQUEST FOR PROPOSALS (RFP)

Project Name: Kenai Waterfront Redevelopment Assessment and Feasibility Study
Proposal Documents Available: Friday, September 3, 2021
Last Day for Questions: Friday, September 24, 2021 @ 5:00 p.m.
Proposal Due Date: Friday, October 1, 2021 @ 5:00 p.m. at City Hall

SCOPE OF WORK: Kenai Waterfront Redevelopment Assessment and Feasibility Study

Proposers must contact Administration at (907) 283-8223 to be placed on the list to receive addenda.

RFP documents can be obtained on the City of Kenai website at www.kenai.city or at City Hall at 210 Fidalgo Avenue, Kenai, AK 99611.

Publish: Anchorage Daily News – September 3–5 and 10–12, 2021
Peninsula Clarion – September 3–5 and 10–12, 2021

REQUEST FOR PROPOSALS (RFP) INSTRUCTIONS

1.0 GENERAL INFORMATION

1.1 Introduction

The City of Kenai, Alaska is seeking proposals from qualified Proposers for a Kenai Waterfront Redevelopment Assessment and Feasibility Study. The City of Kenai is considering redevelopment strategies for the Kenai Waterfront Area to maximize the potential of the area to support a thriving business, residential, recreational and cultural community. This approximately 160-acre area includes both City-owned and privately-owned uplands and tidelands located in the area adjacent to Bridge Access Road beginning at Millennium Square, located east of the Kenai Senior Center, to the Kenai City Dock within the City of Kenai near the mouth of the Kenai River where it meets Cook Inlet. The successful proposal(s) will provide for an evaluation of market conditions for potential revitalization of the area, review existing plans, zoning, and/or regulations to identify constraints and opportunities, utilize community engagement to develop vision, core concepts, and priorities, perform an assessment of infrastructure needs to support redevelopment, identify potential City economic investments and incentives to encourage development, prepare conceptual plans for potential site redevelopment alternatives, and provide a financial analysis to evaluate the feasibility of redevelopment concepts. The City has budgeted a total of \$95,000 for Kenai Waterfront Redevelopment Assessment and Feasibility Study.

1.2 Background

The City of Kenai incorporated as a home-rule city in 1960, and today is an All-America City with moderate population growth and an economy that provides a high quality of life for residents with abundant natural and cultural assets to attract visitors. Overlooking the mouth of the Kenai River, Kenai has views of Cook Inlet as well as miles of beaches, two mountain ranges and four active volcanoes. The Kenai Waterfront Area presents a transformative opportunity for economic development and community enhancement.

Commercial salmon canneries became a significant economic factor in the late 1800s. The first cannery at Kenai, the Northern Packing Company, was established in 1888. From then on at least one and often two or three canneries operated at the mouth of the Kenai River. Since 2003, the City's comprehensive plans have responded to the diminishing role of commercial fisheries and a declining oil and gas industry with a specific provision in the *City of Kenai Imagine Kenai 2030 Comprehensive Plan* to develop land use strategies to implement a forward-looking approach to community growth and development and includes revitalization for the area adjacent to the Bridge Access Road beginning at Millennium Square to the boat landing.

The City owns ten of the 28 parcels located in the Kenai Waterfront Area (Map in Appendix A), with six of the parcels under long-term leases for commercial fishing dock facilities, fish processing, and associated accessory structures and parking. Two parcels, containing the City Dock and Tarbox Wildlife Viewing Platform to the north provide for public use and access. All of the properties located in the Kenai Waterfront Area are currently zoned Heavy Industrial. City water and sewer are available along Bridge Access Road and natural gas and electric serve the developed properties.

As the City begins to develop tools to incentivize development or redevelopment in Kenai, such as Property Tax Exemption for Economic Development and Depreciated Property

Redevelopment that will incentivize large-scale capital investment or substantial redevelopment in Kenai, a focus on strategic infrastructure improvements that will attract large-scale investment in Kenai specific to the Kenai Waterfront Area provide an exciting opportunity to engage the community and pursue revitalization strategies on the Kenai waterfront.

1.3 Questions

Any questions regarding this proposal must be submitted in writing to Christine Cunningham by **5:00 p.m. on Friday, September 24, 2021**. Questions may be emailed to ccunningham@kenai.city. The subject line of the email must read: "Questions: Kenai Waterfront Redevelopment Assessment and Feasibility Study RFP."

Verbal requests for information or clarification will not be accepted. All questions will be answered and distributed to all prospective proposers via addendum. To receive project addenda, you must be on the plan holder's list. To be placed on the plan holder's list, contact Administration either by phone at (907) 283-8223 or email ccunningham@kenai.city. Downloading projects from the City web site does not automatically place you on the plan holder's list.

1.4 Preparation Costs

The City shall not be responsible for proposal preparation cost, nor for cost including attorney fees associated with any (administrative, judicial or otherwise) challenge to the determination of the highest ranked proposer and/or award of agreement and/or rejection of proposal. By submitting a proposal, each proposer agrees to be bound in this respect and waives all claims to such costs and fees.

2.0 RULES GOVERNING COMPETITION

2.1 Examination of Proposals

Proposers should carefully examine the entire Request for Proposal (RFP) and any addenda thereto, and all related materials and data referenced in the RFP. Proposers should become fully aware of the nature of the work and the conditions likely to be encountered in performing the work.

2.2 Proposal Acceptance Period

Proposals must be irrevocable for ninety (90) days following the submission date.

2.3 Confidentiality

The content of all proposals will be kept confidential until the selection of the Proposer is announced. At that time, the selected proposal is open for review by the competing proposers, excluding any tabulations and evaluations thereof. After the award of an Agreement, all proposals, tabulations and evaluations will then become public information.

2.4 Tax Compliance Certificate. The City requires that businesses or individuals contracting to do business with the City be in compliance with City tax provisions. No contract will be awarded to any individual or business who is found to be in violation of the City Code of Ordinances in the several areas of taxation. Prior to award of the contract, the successful Proposer will be required

to submit a completed Tax Compliance Certificate, signed by both the Proposer and by Kenai Peninsula Borough Finance Department personnel. See Attachment B.

2.5 Licenses and Certifications. Proposers, if in current possession of, shall include with their proposals copies of all licenses, certificates, registrations and other credentials required for performance under the contract. Prior to and throughout the term of any agreement resulting from this RFP, documentation must be current and must have been issued by or under authority of the State of Alaska or, if documentation is from an outside jurisdiction, such documentation must be accepted as valid by the State of Alaska for performance in Alaska. Such documentation shall include, but is not limited to, Alaska business license, and applicable professional licenses, registrations, and certificates. Failure to submit all required documentation may result in rejection of the proposal

2.6 News Releases

News releases pertaining to the award resulting from the RFP shall not be made without prior written approval of the City of Kenai City Manager.

2.7 Disposition of Proposals

All materials submitted in response to this RFP will become the property of the City of Kenai. One copy shall be retained for the official files of the City of Kenai and will become public record after award of an Agreement.

2.8 Oral Change/Interpretation

No oral change, or interpretation, of any provision contained in this RFP is valid. Written addenda will be issued when changes, clarifications, or amendments to proposal documents are deemed necessary by the City.

Proposer shall acknowledge receipt of addenda in their transmittal letter. Only a proposal acknowledging receipt of all addenda may be considered responsive, unless the unacknowledged addenda, in the opinion of the City Manager, would have no material effect on the terms of the proposal. The City Manager may elect to allow a proposer to acknowledge receipt of addenda after opening proposals.

2.9 Modification of Proposals

Modifications will be accepted by the City, and binding upon the responding Proposer, where the modification:

- i. Is received by the City prior to the deadline for RFP responses. Attached documents to any modification must adhere to the same requirements as for proposal submission. The subject line for any proposal modification must read: Kenai Waterfront Redevelopment Assessment and Feasibility Study RFP – [NAME OF PROPOSING ENTITY] Proposal Modification
- ii. Is signed by the same individual who signed the original submittal.

The modification document shall include a copy of each page of the original submittal which the responding Proposer seeks to modify, with the modification and the respondent's signature clearly set out in ink on each page.

Should there be more than one submittal modification from a responding Proposer, the last modification received prior to the deadline shall be opened and applied to the submittal. All earlier modifications shall be returned to the responding Proposer.

Any modification, which fails to meet any requirement of this section, shall be rejected and the submittal shall be considered as if no modification had been attempted.

2.10 Replacement of Submitted Proposals

Replacements will be accepted by the City, and binding upon the responding Proposer, only if it is received by the City at the place designated for submission prior to the scheduled deadline and meets all other RFP conditions.

2.11 Late Submissions

Proposals received after the date and time specified in this RFP will not be considered.

2.12 Withdrawal of Proposals

At any time prior to the scheduled closing time for receipt of RFP submittals, any responding Proposer may withdraw their submittal, either personally or by written request. However, a proposal may not be withdrawn after opening without the written consent of the City.

2.13 Acceptance – Rejection of Proposals

The City may reject any or all proposals if the City Manager determines that it is in the best interest of the City and may waive irregularities, other than the requirements for timeliness and manual signature, if the irregularities do not affect the competitive advantage of any proposer.

2.14 Conflicts of Interests

No member of the governing body of the City of Kenai or other officer, employee or agent of the City who exercises any functions or responsibilities in connection with the carrying out of the project shall have any personal interests, direct or indirect, in any ensuing agreement as a result of this Request for Proposal, without first disclosing his/her potential conflict, by submitting a letter to the Clerk's Office establishing their "intent to do business with the City." The Proposer for itself and its principal employees, officers, agents, directors or shareholders covenants that neither the Proposer nor any of the listed classes of individuals has nor shall acquire any interest, direct or indirect, in the project, direct or indirect, to which the agreement pertains which would conflict in any manner or degree with the performance of its work hereunder. The selected proposer further covenants that in its performance of the agreement no person having such interest shall be employed, without first disclosing his/her potential conflict.

2.15 Award of Agreement

It is the intent of the City to enter into an agreement with the highest-ranking proposer. This proposal contains a base bid for the Kenai Waterfront Feasibility Study and a deductive alternate for the Conceptual Plans and Financial Feasibility Analysis, under the Scope of Services. The total cost of the base bid and the cost of deductive alternate to be awarded shall be used to determine each proposer total cost for awarding the cost evaluation points in Section 5.2 of this RFP.

3.0 SCOPE OF SERVICES

3.1 Services to be Performed

The City of Kenai requires the following assessment and feasibility analysis to be conducted for the Kenai Waterfront Redevelopment:

Kenai Waterfront Feasibility Study

i. Project Meetings

Engage City personnel to discuss the project, scope, project plan and timelines and acquire necessary materials (e.g. mapping, zoning, available lands information). Establish project meetings at the beginning of the process with additional meetings to be scheduled as necessary. Attend City Council and Planning and Zoning Commission meetings to present the final Feasibility Study and attend any additional public meetings as necessary.

ii. Communications

Maintain communication with designated City personnel to provide regular updates and discuss the progress of the project. Communication will be provided to the City Council, Planning and Zoning Commission, and public as necessary throughout the project.

iii. Community Engagement

Engage the Kenai community to develop vision, core concepts, and priorities, including an initial meeting with the City of Kenai Administrative team to develop a program to work with members of the public and identify a multifaceted community engagement strategy and process that is transparent and inclusive.

iv. Elements of Study

Develop a comprehensive feasibility study, including the following elements:

- 1) Engage Kenai community and develop vision, core concepts, and priorities
- 2) Evaluate market conditions and identify opportunities for potential revitalization of the area
- 3) Review and assess existing plans and area characteristics, including infrastructure, access, zoning, and regulations to identify development

constraints and provide recommended changes to support a thriving business, residential, recreational and cultural community

- 4) Review existing infrastructure and assess infrastructure needs to support redevelopment, including roads, water, sewer, stormwater, electrical, alternative power generation, and broadband infrastructure
- 5) Identify economic strategies, including private public partnerships, external funding opportunities, improvement districts, and incentives that encourage redevelopment of the area
- 6) Develop an implementation strategy and recommendations

v. Final Report

Provide five (5) bound copies and an electronic version of the final feasibility study in an accessible file format. The final report should include results of public involvement, background review, assessment of existing conditions, risks and opportunities related to redevelopment, infrastructure needs, redevelopment strategies and concepts to revitalize and incentivize redevelopment, recommendations regarding zoning or land and development code changes and potential economic incentive programs, conceptual development design options, and potential for combinations of uses and activities to support revitalization of the area to maximize the potential to support a thriving business, residential, recreational and cultural community

Conceptual Plans and Financial Feasibility Analysis

- i. Prepare examples of conceptual plan(s) for potential site redevelopment alternative(s) that are reproducible and in an accessible file format
- ii. Prepare financial analysis to evaluate the feasibility of redevelopment alternative(s)

3.2 Contract Formation

Contract(s) in this matter will not be formed until executed by all parties including the City of Kenai City Manager. Performance under the contract(s) will not begin until the contract(s) is fully executed by all parties. A sample professional services agreement is provided as an attachment to this RFP. Terms and conditions of these agreements are subject to negotiation with successful Proposer(s), except the Insurance and Indemnification Requirements in subsection A, below:

A. Insurance and Indemnification Requirements

Proposer must, at Proposer's own expense, throughout the term of the Agreement(s) secure and maintain the following insurance:

- i. Comprehensive general liability insurance, including premises, all operations, property damage, personal injury and death, broad-form contractual coverage with a per occurrence limit of not less than \$1,000,000 combined single limit;
- ii. Worker's compensation insurance with coverage for all employees engaged in work under this Agreement as required by AS 23.30.045 (Proposer is responsible for worker's compensation insurance for any subcontractor who directly or indirectly provides services under the Agreement); and,

- iii. Comprehensive automobile liability insurance covering all owned, hired, and non-owned vehicles with coverage limits not less than \$1,000,000 combined single limit per occurrence.

All insurance required must also meet the following requirements:

- i. For comprehensive general liability and automobile liability insurance, name the City of Kenai as an additional insured;
- ii. For worker's compensation insurance, general liability, and automobile liability insurance, where possible, include a waiver of subrogation so that the insurer waives all rights of subrogation against the City of Kenai for payments made under the policy;
- iii. Provide Owner with at least 30 days' written notice before any termination, cancellation, or material change in insurance coverage is effective; and,
- iv. Be issued by a company/corporation currently rated "A-" or better by A.M. Best.

Proposer must indemnify, defend, and hold harmless the City and its agents, employees, and/or insurers from claim, loss, damage, liability, including injury and death or expense in any way related to any act or omission of Proposer or Proposer's employees, agents, or invitees arising out of Proposer's performance of services under the Agreement(s), except to the extent any negligence of City or its employees or agents is a proximate cause of any injury or damage. If a third party asserts a claim against Proposer and City, Proposer and the City shall seek in good faith to achieve Agreement to an apportionment of fault as between them without an independent of litigation. This provision shall survive expiration or termination of any Agreement(s).

4.0 PROPOSAL AND SUBMISSION REQUIREMENTS

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified below.

4.1 Proposal Format

Proposals are to be prepared in such a way as to provide a straight forward, concise delineation of the Proposer's capabilities to satisfy the requirements of this RFP.

4.2 Proposal Submission

Five (5) copies of the complete proposal package (which shall include the Tax Compliance Certificate, along with all other enclosures as requested in the Request for Proposal) are to be submitted no later than 5:00 p.m. local time on October 1, 2021, to the City of Kenai at 210 Fidalgo Avenue, Kenai, AK 99611, in a sealed envelope.

Proposal responses shall be comprised of two documents placed in separate sealed envelopes. One shall contain only the RFP Cost Proposal on the Cost Proposal Form and must be titled:

“Kenai Waterfront Redevelopment Assessment and Feasibility Study RFP – [NAME OF PROPOSING ENTITY] Cost Proposal.”

The second shall contain all other response materials and must be titled: “Kenai Waterfront Redevelopment Assessment and Feasibility Study RFP – [NAME OF PROPOSING ENTITY] RFP Response.”

The City reserves the right to establish any and all elements or terms of this proposal. All proposals submitted shall be binding upon the contractor if accepted by the City.

4.3 Letter of Transmittal

Briefly state your Proposer 's understanding of the project's purpose and services to be performed and make a positive commitment to provide the services as specified.

List name(s) of the person(s) who are authorized to make representations for your Proposer, their titles, address, and telephone numbers.

The letter must be signed by a corporate officer or other individual who has the authority to bind the Proposer.

The letter must acknowledge all addenda, if any.

4.4 Profile of the Proposer's Management and Key Staff

Describe your organization and key staff experience and qualifications in the area of planning and community development, strategic planning and analysis, economic development, and communications.

Identify key staff who will provide services on behalf of the Proposer. Resumes should be included for each individual(s) referenced.

4.5 Scope of Services Section

Provide narrative(s) on how your organization will fulfill the Scope of Services and provide the required services.

4.6 Proposer's Experience /References

Detail the firm's experience in the same or similar areas of expertise, stability, and its adaptability to provide the required services.

The proposal shall include a list of five (5) references for services performed by the Proposer similar to this engagement. The City will contact references to ascertain the Proposer 's performance, specifically in the areas of knowledge and expertise, customer satisfaction, and conformance to a similar Scope of Services as this engagement.

4.7 Cost Proposal

Complete the Cost Proposal Form included as Attachment A:

Cost proposals must be for a lump sum for all services, inclusive of all out-of-pocket costs, and open for acceptance by the City for a period of not less than ninety (90) calendar days from the date the proposal is due. A proposal will be rejected if it contains a material alteration or erasure, which is not initialed by the signer of the proposal.

The cost proposal page must be placed in a separate sealed envelope and marked “Kenai Waterfront Redevelopment Assessment and Feasibility Study RFP – [NAME OF PROPOSING ENTITY] Cost Proposal.”

4.8 Signature Requirements

The proposal transmittal letter must be signed. A proposal may be signed by; an officer or other agent of a Proposer, if authorized to sign agreements on its behalf; a member of a partnership; an owner of a privately-owned Proposer; or other agent if properly authorized by a power of attorney or equivalent document. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature.

5.0 EVALUATION PROCESS AND CRITERIA

5.1 Evaluation Process

A committee of individuals representing the City of Kenai will evaluate the proposals. The committee will rank the proposals as submitted. The City of Kenai reserves the right to award an agreement solely on the written proposal. A sample agreement(s) is attached with all terms subject to negotiation.

The City also reserves the right to request oral interviews with the highest ranked Proposers (short list). The purpose of the interviews with the highest ranked Proposers is to allow expansion upon, and possible refinement of the written responses. If interviews are conducted, a maximum of three (3) Proposer s will be short-listed. A second score sheet will be used to score those Proposer s interviewed if oral interviews are conducted. The final recommendation for selection will be based on the total of all evaluators scores achieved on the second rating. The same categories and point ranges will be used during the second evaluation as for the first.

The Proposer, whose proposal is ranked highest by the evaluation committee, may be invited to enter into final negotiations with the City for the purposes of agreement award.

5.2 Criteria

A committee of individuals representing the City of Kenai will perform evaluation of the proposal.

The factors to be evaluated and the points available for each are as follows:

1. Demonstrated understanding of the project's purpose and intended outcomes (20 points)

- 2. Proposed work plan and the degree to which it meets the requirements of this RFP (20 points)
- 3. Experience with similar projects and proposer's references (25 points)
- 4. Qualifications and resumes of the key staff assigned (15 points)
- 5. Cost (20 points)

Committee members will independently review the proposals and award points for above factors 1 – 4. Factor 5 will be scored by the committee as a whole using the following formula:

$$\frac{\text{Lowest total cost proposal}}{\text{Proposer total cost proposal}} \times 20 = \text{Points Awarded}$$

This proposal contains a base bid and a deductive alternate, the total cost of the base bid and the cost of deductive alternate to be awarded shall be used to determine each proposer total cost for awarding the cost evaluation points

6.0 APPEAL PROCEDURE

Any party submitting a bid or proposal for an agreement with the City and who believes that they are adversely affected by the City's relevant ordinances, regulations, procurement process, or by any acts of the City in connection with the award of a City agreement, may file an appeal in accordance with the appeal procedures outlined in Kenai Municipal Code KMC 7.15.120. The City's Code may be viewed online at <https://kenai.municipal.codes/KMC/7.15.120>

7.0 TIMELINE

| | |
|--|--------------------------------|
| Proposal Documents Available: | September 3, 2021 |
| Last Day for Questions: | September 24, 2021 @ 5:00 p.m. |
| Proposal Due Date: | October 1, 2021 @ 5:00 p.m. |
| Proposal Evaluation and Interviews (if necessary) Completed: | Week of October 4, 2021 |
| Notice of Intent to Award: | October 11, 2021 |
| Contract Execution: | October 22, 2021 |
| Begin Services: | November 1, 2021 |

8.0 SELECTION PROCESS

The Proposer with the highest total evaluation points may be invited to enter into agreement negotiations with the City of Kenai. If an agreement cannot be reached with the highest ranked Proposer, the City shall notify the proposer and terminate the negotiations. If proposals are submitted by one or more other proponents who are determined to be qualified, negotiations may then be conducted with such other proposers in the order of their respective rankings. This process may continue until successful negotiations are achieved. The City of Kenai reserves the right to reject any and all proposals submitted.

COST PROPOSAL FORM

Proposer acknowledges receipt of Addenda No(s) _____, and hereby represent that if awarded a contract, will enter into and execute a contract with the City of Kenai for the Professional Services referenced in the Request for Proposals at the compensation stated below.

Cost proposal is a lump sum and open for acceptance by the City for a period of not less than ninety (90) calendar days from the date the proposal is due.

BASE BID TOTAL: (All services detailed in Section 3.0 – Scope of Services and inclusive of all out-of-pocket expenses)

\$ _____
Numerical amount

(Amount Written in Words)

DEDUCTIVE ALTERNATE: (Elimination of services to provide Conceptual Plans and Financial Feasibility Analysis. To be clear, the number below is the amount to deduct from the Base Bid, it is not a total amount.)

\$ _____
Numerical amount

(Amount Written in Words)

In the event the Base Bid exceeds the Owner’s budget for the Services, Owner reserves the right to award to any combination of Base Bid and Deductive Alternate that provides the best value to the City. An Agreement shall not be formed and no rights shall exist under the Agreement until the final Agreement is fully executed by all parties.

By executing this Proposal, I certify that I have the authority to bind the Company or Business Entity submitting this proposal.

Name of Company or Business Entity

Date

Signature

Title

Print Name

Phone

Address

Fax

Address

Email Address

Cost Proposal is to be submitted in a separate sealed envelope

DRAFT



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3244-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL AND MUNICIPAL ROADWAY IMPROVEMENT CAPITAL PROJECT FUNDS, AWARDING A CONSTRUCTION CONTRACT, AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR THE 2021 BRYSON AVENUE BLUFF EROSION REPAIR PROJECT.

WHEREAS, the City of Kenai formally released an invitation for bids on July 28, 2021 with bids due on August 19, 2021 for the 2021 Bryson Ave Bluff Erosion Repair Project; and,

WHEREAS, this project is intended to repair damages to the bluff caused by failing storm water discharge piping, work includes restoration of the affected bluff area as well as replacement of storm water infrastructure; and,

WHEREAS, the City has already appropriated \$300,000 for the project, this Ordinance shall appropriate sufficient remaining funds to award the construction contract including \$15,000 in contingency and \$12,000 in City Admin Services and permit fees; and,

WHEREAS, the following bids were received on August 19, 2021 and Foster’s Construction was found to be the lowest responsive responsible bidder;

| Company | Bid Amount |
|------------------------|--------------|
| Foster’s Construction | \$309,775 |
| Drennon Construction | \$342,540 |
| Peninsula Construction | \$374,335 |
| BMGC LLC | \$587,356.50 |

; and,

WHEREAS, award to Foster’s Construction, the lowest responsive bidder, is in the best interest of the City; and,

WHEREAS, the total cost of this project including all costs associated with Design, Construction, City Administration and permit fees totals \$347,275; and,

WHEREAS, due to the active nature of these damages a double reading of this Ordinance is being requested to allow the work to start as soon as possible; and,

WHEREAS, pursuant to KMC 1.15.70(d) the City may introduce and finally pass on the same day, an ordinance making, repealing, transferring or otherwise changing an appropriation.

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

Section 1. The City Manager is authorized to execute a construction contract in the amount of \$309,775 with Foster’s Construction, the lowest qualified bidder, and issue a purchase order in the amount of \$324,775 for construction including contingency of \$15,000.

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

General Fund:

Increase Estimated Revenues –
Appropriation of Fund Balance \$47,275

Increase Appropriations -
Transfer to Municipal Roadway Improvement Capital
Project Fund \$47,275

Municipal Roadway Improvement Capital Project Fund:

Increase Estimated Revenues –
Transfer From General Fund \$47,275

Increase Appropriations:
2021 Bryson Ave Bluff Erosion Repair Project –
Construction \$47,275

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 upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 1st day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Ordinance No. 3244-2021
Page 3 of 3

Introduced: September 1, 2021
Enacted: September 1, 2021
Effective: September 1, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Scott Curtin, Public Works Director
DATE: August 25, 2021
SUBJECT: Ordinance No. 3244-2021

The purpose of this memo is to request Council’s approval to provide additional funding and award a construction contract to Foster’s Construction for the completion of the 2021 Bryson Ave Bluff Erosion Repair Project. Due to the emergent nature of the project I am requesting a double reading of the Ordinance at this time to expedite work.

Materials will take a few weeks to get staged and the total project is intended to take approximately 60 days to complete from notice to proceed. The City received four competitive bids with Foster’s Construction providing the lowest. Foster’s Construction is familiar with this type of work, having completed similar work last year on our Peninsula Avenue Bluff Erosion Repair Project. The damages were caused by failing storm water piping. Photo below.



Council’s support is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2021-56

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA APPROVING THE VACATION OF 10' UTILITY EASEMENTS ALONG THE SIDE LOT LINES OF LOTS, 19, 20, 21, BLOCK 13, CARL F. AHLSTROM SUBDIVISION (PLAT KN-216) AND LOT 22A, BLOCK 13, CARL F. AHLSTROM SUBDIVISION RPM'S REPLAT (PLAT KN-2017-66) EXCLUDING THE 15 FEET ADJOINING KENAI SPUR HIGHWAY AND THE 10 FEET ADJOINING THE NORTHEAST BOUNDARY, AND AS SET FORTH ON THE ATTACHED EXHIBIT "A" IS NOT NEEDED FOR A PUBLIC PURPOSE AND CONSENTING TO ITS VACATION.

WHEREAS, on March 24, 2021, by Resolution No. PZ2021-09 the Kenai Planning and Zoning Commission recommended that the Kenai Peninsula Borough Planning Commission approve the preliminary plat of Carl F. Ahlstrom Subdivision RPM's Replat Number 2 with a vacation of the ten-foot (10') utility easements as dedicated on the plat of Carl F. Ahlstrom Subdivision RPM's Replat; and,

WHEREAS, on August 9, 2021, the Kenai Peninsula Borough Planning Commission consented to the vacation of the utility easements dedicated on the plat for Carl F. Ahlstrom Subdivision RPM's Replat; and,

WHEREAS, there is no needed public use for the ten-foot (10') utility easements; and,

WHEREAS, on August 11, 2021, the Kenai Peninsula Borough submitted a letter to the Kenai City Council requesting consideration of the vacation in accordance with Alaska Statutes 29.40.140 that requires the consent of the City Council prior to vacation of city easements; and,

WHEREAS, Kenai Municipal Code 22.05.110 - Determination as to need for public use, states City Council may vacate rights-of-way or easements by resolution.

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

Section 1. The 10' utility easements along the side lot lines of lots, 19, 20, 21, block 13, Carl F. Ahlstrom Subdivision (Plat KN-216) and Lot 22A, Block 13, Carl F. Ahlstrom Subdivision RPM's Replat (Plat KN-2017-66) excluding the 15 feet adjoining Kenai Spur Highway and the 10 feet adjoining the northeast boundary is not needed for a public purpose and the Council of the City of Kenai consents to the vacation of the ten-foot (10') utility easements as set forth on the attached Exhibit "A".

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

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 1st day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: August 17, 2021

SUBJECT: **Resolution No. 2021-56 – Approving Vacation of 10’ Utility Easements along the side lot lines of Lots 19, 20, 21, Block 13, Carl F. Ahlstrom Subdivision RPM’s Replat**

On March 24, 2021, the Planning and Zoning Commission passed Resolution PZ2021-09 recommending the approval of the Carl F. Ahlstrom Subdivision RPM’s Replat Number 2 subject to the following condition: The Kenai City Council must declare the ten-foot (10') utility easements are not needed for a public purpose and approve the vacation of the utility easements as shown on the preliminary plat.

The preliminary plat of the Carl F. Ahlstrom Subdivision RPM’s Replat Number 2 shows a vacation of the ten-foot (10') utility easements dedicated on the plat of along the side lot lines of Lots, 19, 20, 21, block 13, Carl F. Ahlstrom Subdivision (Plat KN-216) and Lot 22A, Block 13, Carl F. Ahlstrom Subdivision RPM’s Replat (Plat KN-2017-66). The Kenai Peninsula Borough Planning Commission consented to the vacation of the 10' utility easements on August 9, 2021.

In accordance with Alaska Statutes 29.40.140, no vacation of a City right-of-way and/or easement may be made without consent of the City Council. Kenai Municipal Code 22.05.110, Determination as to the need for public use the Kenai City Council may vacate rights-of-way or easements by resolution. Council approval of Resolution No. 2021-56 would approve the vacation of the subject 10' utility easements.

Thank you for your consideration.

Attachments:

Preliminary Plat identifying recommended vacation of 10' utility easements

Letter from Kenai Peninsula Borough

Draft Borough Planning Commission Meeting Minutes

Pertinent Materials from Borough Planning Commission Meeting

City of Kenai Planning and Zoning Commission Resolution
Pertinent Materials from City of Kenai Planning Meeting
Minutes from City of Kenai Planning and Zoning Commission Meeting

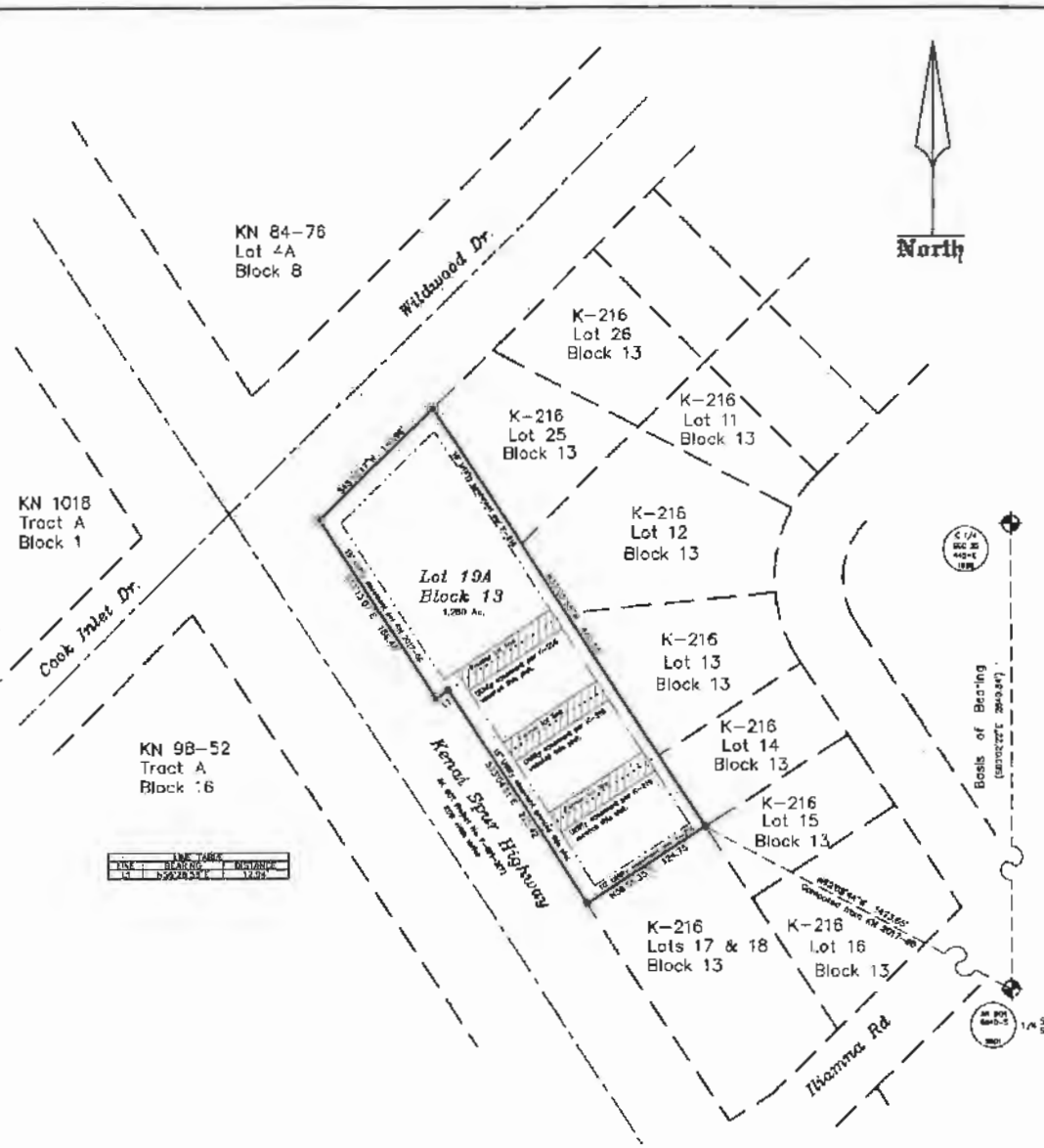


LEGEND:

- ⊙ 2 1/2" BRASS CAP MON. 8640-S 2001 RECORD
- ⊙ 2 1/2" BRASS CAP MON. 440-E 1965 RECORD
- ⊙ 5/8" REBAR w/ PLASTIC CAP L-11795 RECORD
- 5/8" REBAR RECORD
- () RECORD DATUM PLAT 2597-86 KRS

NOTES:

- 1) Base of bearing taken from Carl F. Ahlstrom Subdivision RFP's Report Plat 2017-06, Kenai Recording District.
- 2) Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 3) Development must meet City of Kenai Chapter 14 Zoning Requirements.
- 4) An easement for electric lines or systems and/or telephone lines granted to Homer Electric Association Inc. is recorded in Book 2 Page 64, Field Recording District. No definite location disclosed.
- 5) An easement for electric lines or systems and/or telephone lines granted to Kenai Power Corporation is recorded in Book 2 Page 26, Kenai Recording District. No definite location disclosed.
- 6) This property is subject to a reservation of easement for highway purposes, and any easements or uses thereof for recreation, utility or other purposes, as evidenced by Public Land Order No. 620, dated August 10, 1940; one amended by Public Land Order number No. 737, dated October 10, 1945; Public Land Order No. 1013, dated April 7, 1956; Department of the Interior Order Number 2803, dated October 18, 1957; Amendment Number 1 received, dated July 17, 1952 and Amendment Number 2 received, dated September 16, 1954, filed in the Federal Register.
- 7) No private access to State established ROWs permitted unless approved by the State of Alaska Department of Transportation.
- 8) Front 15 feet adjacent to right-of-way to be a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) **WATERWAY EASEMENT:** There for waterway easement that meet regulatory requirements are as set at the Department of Environmental Conservation.



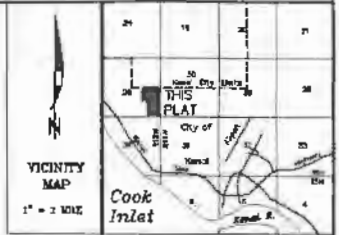
| LINE | BEARING | DISTANCE |
|------|-----------------|----------|
| 12 | S 89° 24' 53" E | 12.99 |



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the instruments shown herein actually exist as described, and all descriptions and other details are correct.

Date: _____



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ACCEPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JERRY WELSH, INDIVIDUALLY
 JERRY WELSH, REGISTERED AGENT OF RFW LLC
 14088 KENAI SPUR HIGHWAY
 KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

FOR _____
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. _____

| | |
|--|---|
| Carl F. Ahlstrom Subdivision RPM's Replat Number 2 A consolidation of Lots 18, 20, and 21 Block 13 Carl F. Ahlstrom Subdivision, Plat K-216, excepting therefrom that portion conveyed to the State of Alaska, Department of Transportation, Instrument recorded February 4, 1971, to Book 51 at Page 239, and Lot 22A, Block 13 Carl F. Ahlstrom Subdivision NFA's Replat Plat 2017-06, Kenai Recording District. Located within the SW/4 Section 25, T4N, R12W, S14E, City of Kenai, Kenai Peninsula Borough, Alaska. | |
| Created by: Segesser Surveys 20485 Rosland St. Soldotna, AK 99689 (907) 260-5906 | Owner: RPM LLC 14088 Kenai Spur Highway Kenai, Alaska 99611 |
| JOB NO. 20295 SURVEYED: N/A FIELD BOOK: N/A | DRAWN: S-17-21 SCALE: 1"=50' SHEET: 1 of 1 |



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

August 11, 2021

Kenai City Council
210 Fidalgo Avenue
Kenai, AK 99611

RE: Vacate 10' utility easements along the side lot lines of Lots 19, 20, 21, Block 13, Carl F. Ahlstrom Subdivision (Plat KN-216) and Lot 22A, Block 13, Carl F. Ahlstrom Subdivision RPM's Replat (Plat KN 2017-66) excluding the 15' adjoining the Kenai Spur Highway and the 10' adjoining the northeast boundary.

Dear Kenai City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced right-of-way vacation during their regularly scheduled meeting of August 9, 2021. This petition is being sent to you for your consideration and action.

The City Council has 30 days from August 9, 2021 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Melanie Aeschliman
Planning Director
Kenai Peninsula Borough

Attachments:
Unapproved PC Meeting Minutes
Meeting Packet Materials

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Carl F Ahlstrom Subdivision RPM's Replat Number 2 Utility Easement Vacation

| | |
|-------------------------------------|--|
| KPB File No. | 2021-054V |
| Planning Commission Meeting: | August 9, 2021 |
| Applicant / Owner: | RPM's LLC and John Melish of Kenai, Alaska |
| Surveyor: | John Segesser / Segesser Surveys, Inc. |
| General Location: | City of Kenai |

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: Vacate 10' utility easements along the side lot lines of Lots 19, 20, 21, Block 13, Carl F. Ahlstrom Subdivision (Plat KN-216) and Lot 22A, Block 13, Carl F. Ahlstrom Subdivision RPM's Replat (Plat KN 2017-66) excluding the 15 feet adjoining Kenai Spur Highway and the 10 feet adjoining the northeast boundary.

Located within Section 25, Township 6 North, Range 12 West, Seward Meridian, Alaska, within the Kenai Peninsula

The petitioner is in the process of vacating lot lines to create one parcel.

Notification: Notice of vacation mailings were sent by regular mail to 45 owners of property within 600 feet. Notice of the proposed vacation was emailed to 7 agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

Staff Analysis: The commission is hearing the vacation of several utility easements proposed to be finalized by the Carl F. Ahlstrom Subdivision RPM's Replat Number 2, KPB File 2021-054. The plat committee held a public hearing for the preliminary plat on June 14, 2021 and approved the plat. The plat will be combining four lots into one lot. This vacation will vacate utility easements that adjoin the parent lot lines.

Carl F. Ahlstrom Subdivision (KN-216) was filed in 1955 and created the lots within this subdivision. KN-216 granted 10-foot utility easement adjoining all side lot lines. Carl F. Ahlstrom Subdivision RPM's Replat, KN 2017-66 combined Lots 22-24 into one lot, Lot 22A. Plat KN 2017-66 also finalized the vacation of the utility easements adjoining the former lot lines. Lot 22A is now being replatted with Lots 19-21.

There are several buildings on the lots and the owner wishes to not have 20-foot utility easements running through the middle of the new lot. A 15-foot utility easement will be granted along the Kenai Spur Highway. Plat KN 2017-66 granted 15 foot utility easements along Lot 22A adjoining the Kenai Spur Highway and Wildwood Drive, excluding the area affected by a permanent structure. 10-foot utility easements will remain from plat K-216 along the south boundary and along the northeast boundary.

The City of Kenai reviewed the preliminary plat at their March 24, 2021 meeting. The plat was approved subject to the Kenai City Council declaring the utility easements not being needed for public purposes and approve the vacations as shown on the preliminary plat.

Utility provider review:

| | |
|--------|---|
| HEA | No comments |
| ENSTAR | No comments or objections |
| ACS | No objections |
| GCI | No response received prior to staff report being written. |

Findings:

- 12. The petition states that the utility easement proposed to be vacated is not in use by a utility

company.

13. ACS, ENSTAR, and HEA provided written non-objection to the proposed vacation.
14. City of Kenai Planning and Zoning approved the plat with the depicted utility easement vacations on March 24, 2021.
15. Carl F. Ahlstrom Subdivision, K-216, granted 10 foot utility easements adjoining all lot lines.
16. Carl F. Ahlstrom Subdivision RPM's Replat, KN 2017-66, vacated the interior 10 foot utility easements along the side lot lines of Lots 22-24 of Plat K-216.
17. Plat KN 2017-66 granted 15-foot utility easements along Kenai Spur Highway, excluding the area affected by permanent structures, and Wildwood Drive within Lot 22A.
18. Plat K-216 granted 10 foot utility easements along the northeast boundary of the proposed replat.
19. The preliminary plat will grant a 15-foot utility easement along the Kenai Spur Highway adjacent to parent lots 19-21.
20. No surrounding properties will be denied utilities.
21. The vacation will acquire consent from Kenai City Council as outlined in their Municipal Code 22.05.110.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

4. Grant utility easements requested by the Kenai City Council and utility providers.
5. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- Focus Area: Energy and Utilities

- o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*

- *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*

- *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
- *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- **Housing**
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

END OF STAFF REPORT

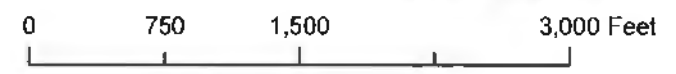
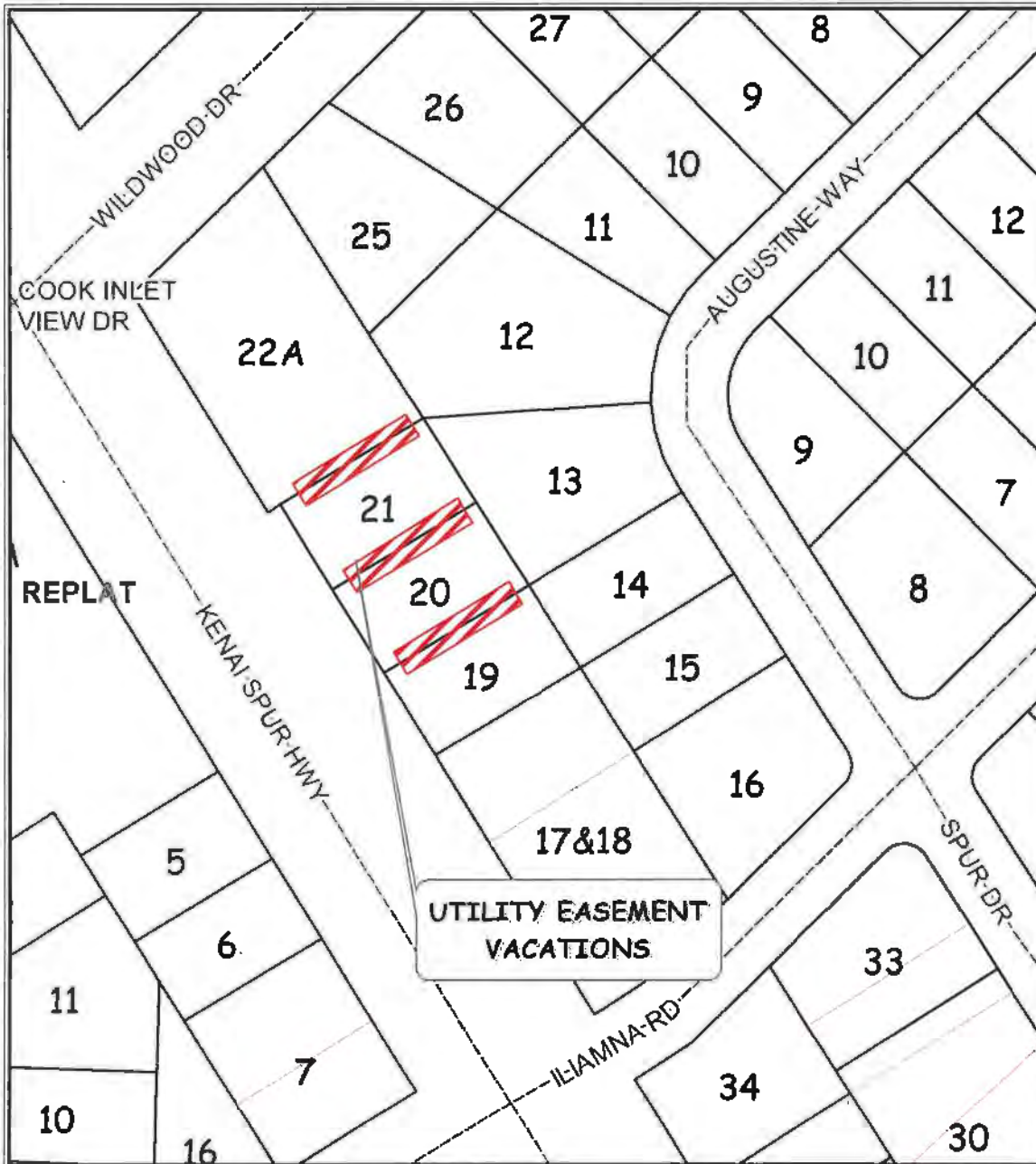
Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Morgan to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

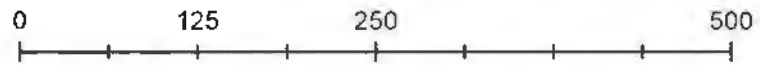
MOTION PASSED BY UNANIMOUS VOTE:

| | | | | | |
|--------|---|----|---|--------|---|
| Yes | 8 | No | 0 | Absent | 2 |
| Yes | Bentz, Brantley, Ecklund, Fikes, Gilham, Martin, Morgan, Venuti | | | | |
| Absent | Chesser, Ruffner | | | | |



**KPB 2021-054V
S25 T06N R12W
KENAI**

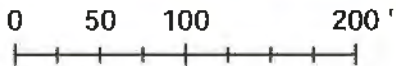
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Date: 7/21/2021
PClements, KPB 2021-054V



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial View



 Utility Easement Vacation

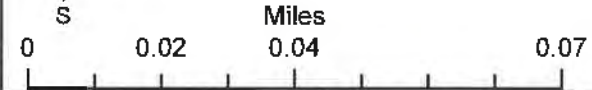
PClements, KPB 2021-054V
 Date: 7/21/2021
 Imagery SixInch Kenai 2014

Legend

- PRELIMINARY PLATS
- HEA Primary Conductor**
- Placement**
- overhead
- underground
- <all other values>
- BOROUGH MAINTAINED ROADS
- CONOCO PHILLIPS PIPELINE
- ENSTAR Distribution Main**
- Material**
- <Unknown>
- Coated Steel
- Bare Steel
- Plastic
- Copper
- Xtrube
- <all other values>
- ENSTAR Service**
- SubtypeCD**
- Service Line
- <all other values>



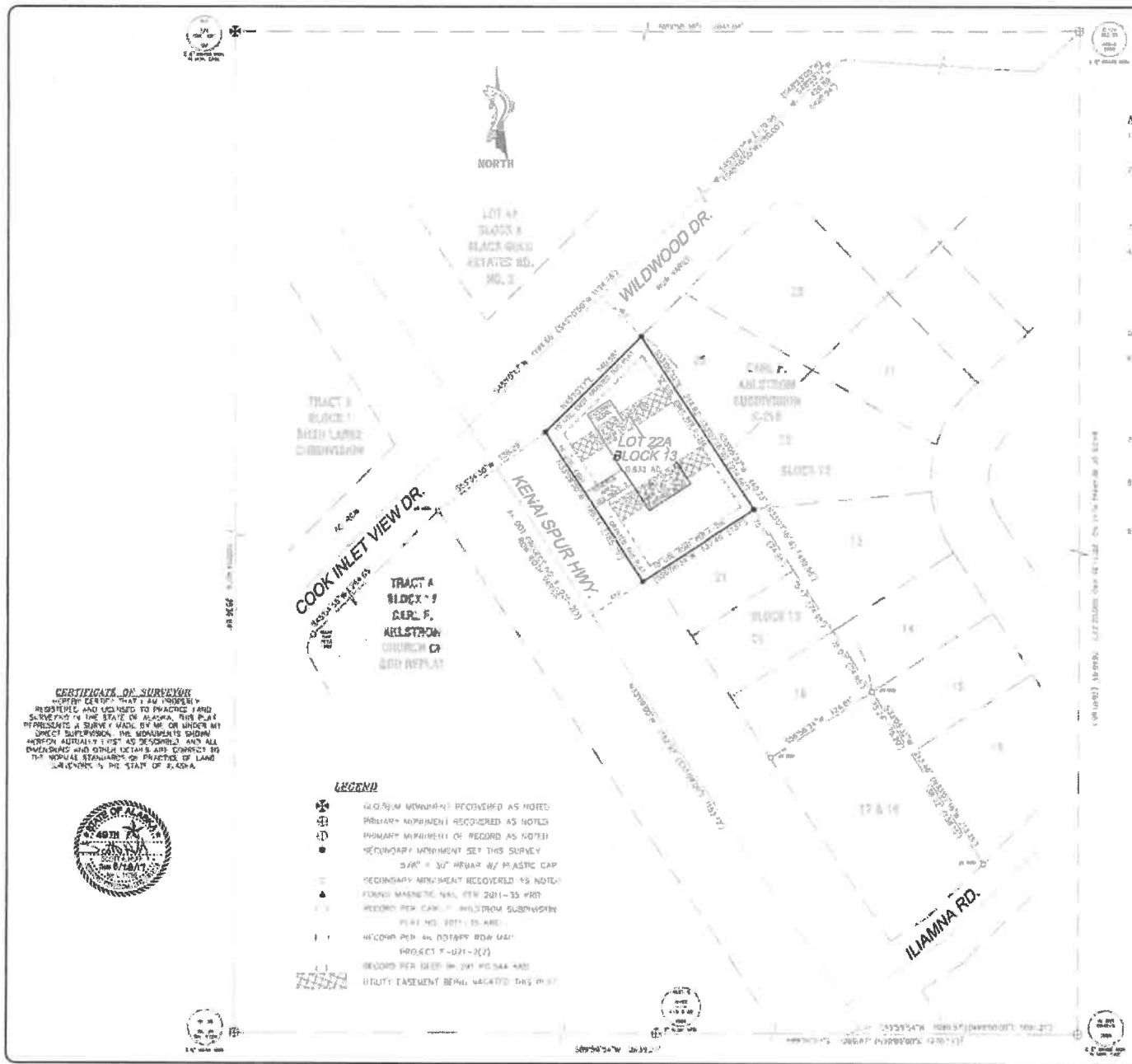
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2014

UTILITY LINES

Date: 5/28/2021
 1:50 PM
 Scott Huff
 Platting Manager



- NOTES:**
- NO PRIVATE ACCESS TO STATE HIGHWAY ROUTE 5 PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
 - FRONT 45 FEET ADJACENT TO THE REMAINDER OF W-148 IS A UTILITY EASEMENT EXISTING WHERE PERMANENT STRUCTURES, SUBSIDY EXIST, AND PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 - A FIELD SURVEY HAS BEEN MADE FOR THE PLATTING AREA.
 - THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING ALASKA ELECTRIC EASEMENTS:
RECORDED ON APRIL 15, 1988 IN
BOOK 2 PG 34 KENAI REC DIST
ASSIGNED TO THE CITY OF KENAI
BY REC. 31, 1981 IN VOL. 11 PG 198
KENAI REC DIST
RECORDED ON REC. 8, 1986 IN
BOOK 2 PG 84 KENAI REC DIST
 - REQUIREMENT OF THIS PARCEL IS SUBJECT TO THE CITY OF KENAI ZONING REQUIREMENTS.
 - THIS PARCEL MAY BE AFFECTED BY A RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AS PROVIDED BY PUBLIC LAND ORDER (PLO) NO. 101, DATED AUGUST 14, 1986 AND AMENDED BY PLO NO. 157, DATED OCTOBER 10, 1988; PLO NO. 187A, DATED APRIL 2, 1988; AND DEPT OF THE INTERIOR ORDER NO. 7888, DATED OCT. 16, 1989. AMENDMENT NO. 1 THEREOF, DATED JULY 17, 1992 AND AMENDMENT NO. 2 THEREOF, DATED SEP. 15, 1996 ARE IN THE FEDERAL REGISTER.
 - THE ALASKA PLANNING COMMISSION APPROVED THE REVISION OF THE 10 FOOT UTILITY EASEMENTS ON BOTH SIDES OF THE FORMER "HOT SPOT" (AS FILED ON CAL. NUMBER 167) DURING A PUBLIC HEARING ON JUNE 12, 2017.
 - THE ACCEPTANCE OF THE PLAT BY THE BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCUMBRANCES BY THE CITY OF KENAI OR THE KENAI PENINSULA BOROUGH. RESOLUTION OF ANY ENCUMBRANCES AND SETBACKS NEED TO BE APPROVED BY THE CITY OF KENAI.
 - WASTEWATER DISPOSAL PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT JOHN F. AHLSTROM IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND IN BEHALF OF JOHN F. AHLSTROM I HAVE FILED THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL PORTIONS OF SAID AND GRANT ALL EASEMENTS TO THE USE SHOWN.

John F. Ahlstrom
 JOHN F. AHLSTROM - REGISTERED AGENT
 1430N KENAI SPUR HWY
 KENAI, ALASKA 99541

NOTARY'S ACKNOWLEDGMENT

FOR JOHN F. AHLSTROM, DATED AND FILED ON August 12, 2017
 IN THE CITY AND COUNTY OF KENAI, ALASKA
 I, *John F. Ahlstrom*, Notary Public for the State of Alaska, do hereby certify that the foregoing is a true and correct copy of the original.



CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE AND SURVEY IN THE STATE OF ALASKA. THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACCURATELY REPRESENT ALL NECESSARY AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.



- LEGEND**
- MONUMENT RECEIVED AS NOTED
 - MONUMENT RECORDED AS NOTED
 - MONUMENT OF RECORD AS NOTED
 - SECONDARY MONUMENT SET THIS SURVEY
 - 3/16" x 3/16" IRON NAIL PLASTIC CAP
 - SECONDARY MONUMENT RECEIVED AS NOTED
 - FOUND MAGNETIC NAIL, ITEM 2011-33 #101
 - RECORD PER CARL F. AHLSTROM SUBDIVISION
 - PLAT NO. 001-15-AR-0
 - RECORD PER ALASKA DEPARTMENT OF NATURAL RESOURCES PROJECT 7-021-2(1)
 - RECORD PER DEED IN 2014 REC. 244 #48
 - UTILITY EASEMENT BEING VACATED THIS SURVEY

FILE APPROVAL

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF Aug 12, 2017.

BY: *John F. Ahlstrom* 8/12/2017
 JOHN F. AHLSTROM, AGENT

RECORD FILE NO. 2017-080

**CARL F. AHLSTROM SUBDIVISION
RPM'S REPLAT**

A REPLAT OF LOTS 22-24 BLOCK 13 CARL F. AHLSTROM SUBDIVISION (PLAT A-248) EXISTING WITHIN THE 101' PORTION CONTAINED TO THE STATE OF ALASKA ACCORDING TO DEED AS RECORDED IN 2014 PG. 244 REC. DISTRICT 2.

DRAWN: RPM'S FILE
 1430N KENAI SPUR HWY
 KENAI, ALASKA 99541

LOCATED WITHIN THE CITY SECTION 25
 T10N, R10W, SEASARD MERIDIAN, CITY OF KENAI,
 KENAI PENINSULA BOROUGH, KENAI PENINSULA BOROUGH,
 ALASKA.

CONTRIBUTOR: RPM'S FILE

INTEGRITY SURVEYS INC.
 820 5TH AVENUE, SUITE 400
 ANCHORAGE, ALASKA 99501
 PHONE: 481-343-0007
 FAX: 481-343-0075
 www.integrity-surveys.com

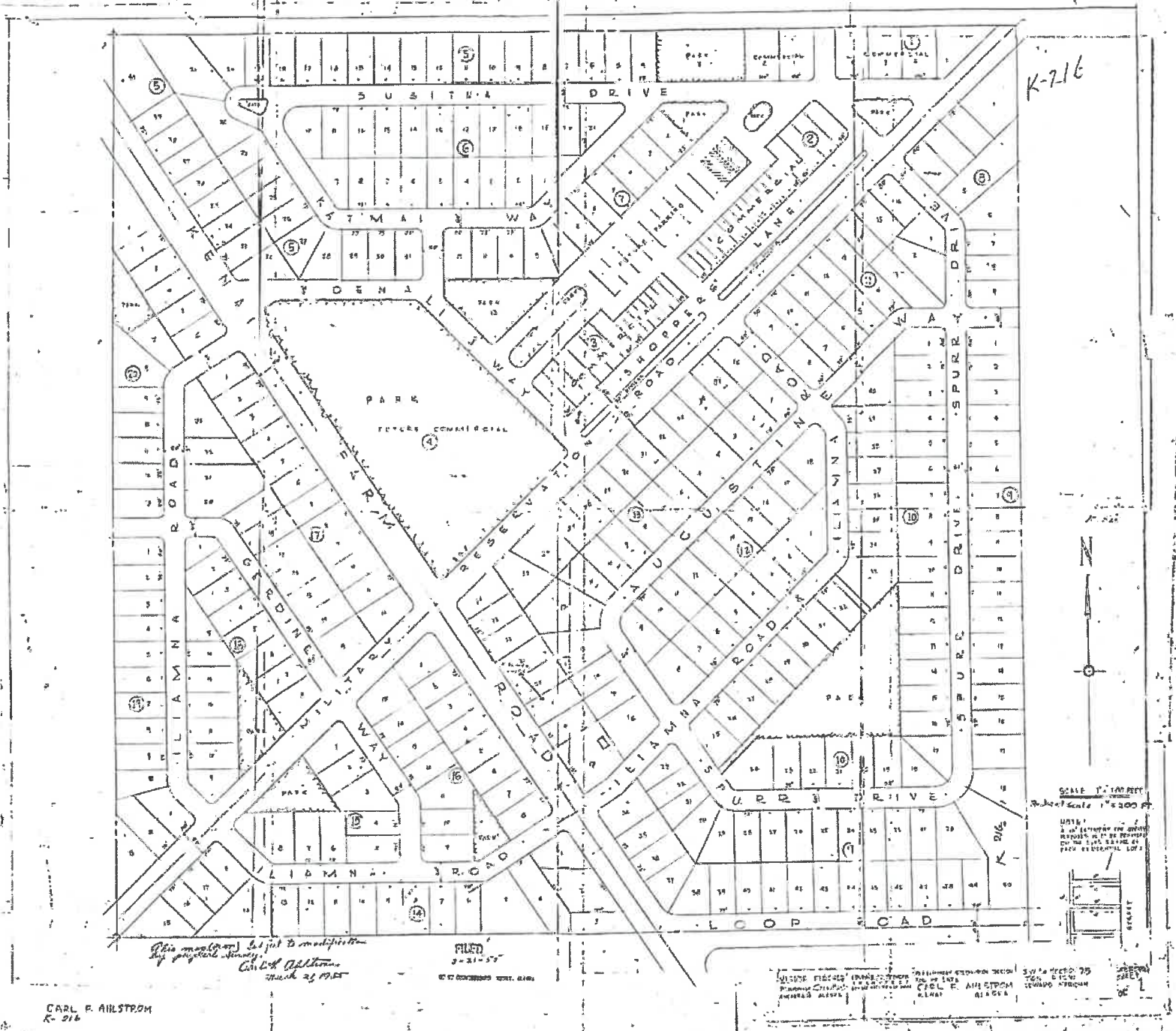
DATE: 8/12/2017
 PROJECT: 2017-080
 SHEET: 1 OF 1

2017-080
 Plat #
 Kenai
 12/12/2017
 3:04 PM

KN-216

216

SEE PC RBS 2012-44 VACATE 10 FT UTILITY EASEMENT



This map (over) is subject to modification by original survey. Carl P. Ailstrom March 25 1957

FILED
3-21-57
COUNTY OF DENVER, COLORADO

CARL P. AILSTROM
K-216

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
DATE 05-14-2014 BY SP-6 CRL/STP/STW



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-09**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THAT CARL F. AHLSTROM SUBDIVISION RPM'S REPLAT NUMBER 2 ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Inc. and,

WHEREAS, the plat meets Municipal Code requirements of the General Commercial (CG) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, Access to the proposed Lot 19A, Block 13, Carl F. Ahlstrom Subdivision RPM's is provided via the Kenai Spur Highway and Wildwood Drive which are paved City maintained roads; and

WHEREAS, The building located at 14096 Kenai Spur Highway is connected to City water and sewer services. The mini-storage buildings located at 14064 and 14080 Kenai Spur Highway are not connected to City water and sewer services. Water lines are located to the rear of the lots and sewer lines are located in the right-of-way of the Kenai Spur Highway An installation agreement is not required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, and maximum height.
4. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the existing structures at 14064 and 14080 Kenai Spur Highway are not in compliance with the front yard setback requirement. The front setback requirement is twenty feet (20') in the General Commercial zone and the distance from the structures to the property line is approximately zero feet (0'). The structures are considered non-conforming structures as set forth in Kenai Municipal C14.20.050 (a) and (d).

Resolution No. PZ2021-09

Page 2 of 2

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Carl F. Ahlstrom Subdivision RPM's Replat Number 2 be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare the ten-foot (10') utility easements are not needed for a public purpose and approve the vacation of the utility easements as shown on the preliminary plat.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 24th day of March, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: March 18, 2021
SUBJECT: PZ2021-09 – Preliminary Plat – Carl F. Ahlstrom Subdivision RPM’s Replat Number 2

Applicant: RPM’s LLC
14096 Kenai Spur Hwy.
Kenai, AK 99611

Submitted By: Segesser Surveys
30485 Rosland St.
Soldotna, AK 99669

Requested Action: Preliminary Subdivision Plat – Carl F. Ahlstrom Subdivision RPM’s Replat Number 2

Legal Description: Lot 22A, Block 13, Carl F. Ahlstrom Subdivision RPM’s Replat; Lots 19, 20, and 21, Block 13, Carl F. Ahlstrom Subdivision, excepting therefrom the state highway right-of-way

Property Address: 14096 Kenai Spur Highway; 14032 Kenai Spur Highway; 14064 Kenai Spur Highway; and 14080 Kenai Spur Highway

KPB Parcel No: 03908128; 03908124; 03908125; and 03908126

Lot Size: Approximately 27,443 square feet for Lot 22A, Block 13; approximately 27,443 square feet for Lots 19, 20, and 21, Block 13, (9,147.60 square feet per each lot)

Existing Zoning: General Commercial (CG)

Current Land Use: RPM’s Auto Shop, mini-storage buildings, and a vacant lot

Land Use Plan: General Commercial

GENERAL INFORMATION

Segesser Surveys, LLC. submitted a preliminary plat on behalf of the property owner, RPM's LLC. The plat affects the parcels described as Tract 22A, Block 13, Carl F Ahlstrom Subdivision RPM's Replat; Lots 19, 20, and 21, Block 13, Carl F. Ahlstrom Subdivision, excepting therefrom the State highway right-of-way.

The applicant wishes to vacate the property lines between Lot 22A, Block 13, Carl F. Ahlstrom Subdivision RPM's Replat, and Lot 21, 20, and 19, Block 13, Carl F. Ahlstrom Subdivision, which will create a larger tract to be described as Lot 19A, Block 13, Carl F. Ahlstrom Subdivision, RPM's Replat Number 2. The proposed Lot 19A, Block 13, will be comprised of approximately 54,886 square feet.

The applicant also wishes to vacate the utility easements as set forth on the Preliminary plat of Carl F. Ahlstrom Subdivision RPM's Replat Number 2. Kenai Municipal Code 22.05.110 provides that the Kenai City Council must determine that the utility easements are not needed for a public purpose and consent to the vacation of the utility easements.

Application, Public Notice, Public Comment

KMC 14.10.010 General under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. Kenai Municipal Code (*KMC*) 14.10.060 describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of March 18, 2021.

ANALYSIS

Access to the proposed Lot 19A, Block 13, Carl F. Ahlstrom Subdivision RPM's is provided via the Kenai Spur Highway and Wildwood Drive which are paved City maintained roads.

The building located at 14096 Kenai Spur Highway is connected to City water and sewer services. The mini-storage buildings located at 14064 and 14080 and Kenai Spur Highway are not connected to City water and sewer services. Water lines are located to the rear of the lots and sewer lines are located in the right-of-way of the Kenai Spur Highway. An installation agreement is not required.

Further, it is noted that the existing storage structures at 14064 and 14080 Kanai Spur Highway are not in compliance with the front yard setback requirement. The front setback requirement is twenty feet (20') in the General Commercial zone and the distance from the structures to the property line is approximately zero feet (0'). The structures are considered non-conforming structures as set forth in Kenai Municipal Code 14.20.050 (a) and (d).



The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Carl F. Ahlstrom Subdivision Replat Number 2, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare the ten-foot (10') utility easements are not needed for a public purpose and approve the vacation of the utility easements as shown on the preliminary plat.

ATTACHMENTS

1. Resolution No. PZ2021-09
2. Application
3. Preliminary Plat
4. Aerial Map





Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

APPLICANT (SURVEYOR)

| | | | | |
|------------------|----------------------------|----------------|-----------|-----------------|
| Name: | Segesser Surveys Inc | | | |
| Mailing Address: | 30485 Rosland St | City: Soldotna | State: AK | Zip Code: 99669 |
| Phone Number(s): | 907-262-3909, 907-252-3421 | | | |
| Email: | seggy@ptlaska.net | | | |

PROPERTY OWNER

| | | | | |
|------------------|------------------------|-------------|-----------|-----------------|
| Name: | RPM LLC / JOHN MELLISH | | | |
| Mailing Address: | 14096 KENAI ST | City: KENAI | State: AK | Zip Code: 99661 |
| Phone Number(s): | | | | |
| Email: | | | | |

PROPERTY INFORMATION

| | | | |
|----------------------|--------------------------------------|--|--|
| Property Owner Name: | RPM LLC | | |
| Current City Zoning: | | | |
| Use: | <input type="checkbox"/> Residential | <input type="checkbox"/> Recreational | <input checked="" type="checkbox"/> Commercial |
| | <input type="checkbox"/> Other: | | |
| Water: | <input type="checkbox"/> On Site | <input checked="" type="checkbox"/> City | <input type="checkbox"/> Community |
| Sewer: | <input type="checkbox"/> On Site | <input checked="" type="checkbox"/> City | <input type="checkbox"/> Community |

PLAT INFORMATION

| | |
|----------------------------------|---|
| Preliminary Plat Name: | CARL FAHLSTROM SUBD, RPM'S REPLAT NO 2 |
| Revised Preliminary Plat Name: | |
| Vacation of Public Right-of-Way: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Street Name (if vacating ROW): | |

Exceptions Required and Requested:

Comments:

RECEIVED

CITY OF KENAI

DATE 2-25-21

PLANNING DEPARTMENT

REQUIRED ATTACHMENTS

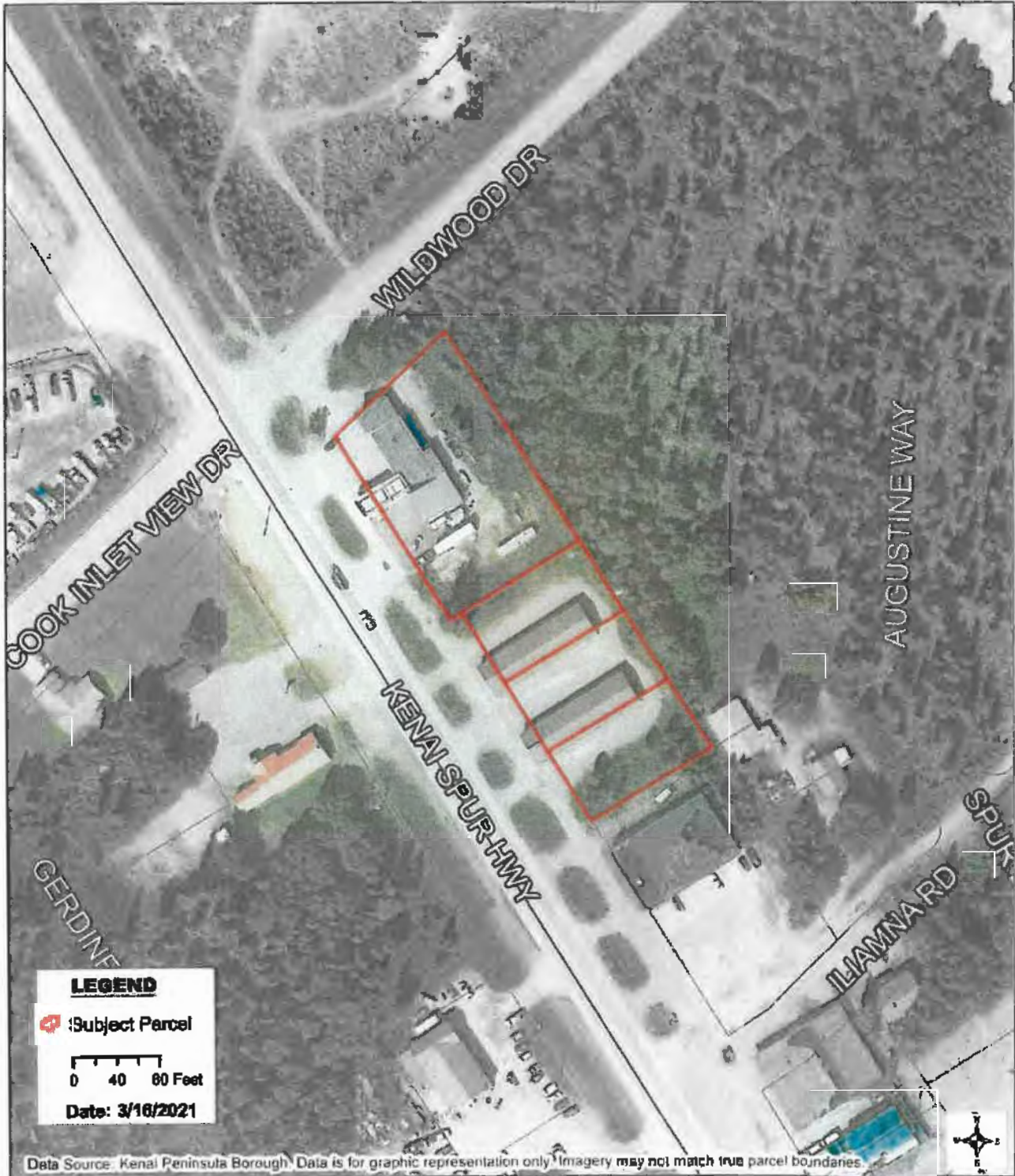
| | | |
|---|--|---|
| <input checked="" type="checkbox"/> Certificate to Plat | <input checked="" type="checkbox"/> (1) 24" x 36" Plat | <input checked="" type="checkbox"/> (2) 11" x 17" Plats |
|---|--|---|

SIGNATURE

| | | | |
|-------------|------------------|-----------------|----------------------------|
| Signature: | | Date: | 2-25-21 |
| Print Name: | JOHN F. SEGESSER | Title/Business: | PRESIDENT SEGESSER SURVEYS |



**LOT 19A, BLOCK 13, CARL F. AHLSTROM
SUBD. RPM's REPLAT and LOTS 19, 20,
and, 21; BLOCK 13, CARL F. AHLSTROM
SUBD. KPB #03908128; 03908124,
03908125 and 03908126**



**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MARCH 24, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, J. Halstead, D. Fikes, G. Woodard

Commissioners absent: R. Springer, G. Greenberg, A. Douthit,

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

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

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

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *March 10, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.**D. UNSCHEDULED PUBLIC COMMENT – None.****E. CONSIDERATION OF PLATS**

1. **Resolution PZ2021-09** – Preliminary Subdivision Plat of Carl F. Ahlstrom RPM's Replat Number 2, submitted by Segesser Surveys, 30485 Rosland Street, Soldotna, AK 99669, on behalf of the City of Kenai, 210 Fidalgo Avenue, Kenai, AK 99611

Planning Director Foster presented his staff report with information provided in packet, noting that the applicant wishes to vacate the property lines between Lot 22A, Block 13, and Lot 21, 20, and 19, Block 13, Carl F. Ahlstrom Subdivision, which will create a larger tract to be described as Lot 19A, Block 13, Carl F. Ahlstrom Subdivision, RPM's Replat Number 2. The applicant also wishes to vacate the utility easements as set forth on the Preliminary plat.

Approval of the plat was recommended, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- The Kenai City Council must declare the ten-foot (10') utility easements are not needed for a public purpose and approve the vacation of the utility easements as shown on the preliminary plat.

MOTION:

Commissioner Woodard **MOVED** to approve Resolution No. PZ2021-09 and Vice Chair Fikes **SECONDED** the motion.

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

The question was raised of whether or not the owner intended to demolish or expand any existing structures. It was clarified that we currently had no information on future improvements beyond the subdivision and vacation of utility lines, but if that occurred then the Planning & Zoning department would be notified by the Building department when the owner applies for a permit. It was also clarified that the vacation the easements would not inhibit any road construction or future development in the area. It was explained how vacating these easements could benefit the landowner as they might find it more advantageous to consolidate four separate parcels into one lot.

VOTE:

YEA: Halstead, Twait, Fikes, Woodard
 NAY:

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Glendening reported on the actions from the March 17, 2021 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes reported on the actions of the March 15, 2021 Borough Planning Commission meeting.
3. **City Administration** – Planning Director Foster reported on the following:
 - He will be offering training for new Planning & Zoning commissioners, which can be scheduled individually or as a work session before a future meeting;
 - Received a Conditional Use Permit application, scheduled for the April 14, 2021 meeting.

K. **ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments
2. Council Comments

L. **INFORMATIONAL ITEMS**

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. April 14, 2021

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Woodard noted she looks forward to Planning Director Foster's training session.

Commissioner Halstead said it was good to be back and see everyone in person, and expressed appreciation for how well staff was able to present and work with commissioners remotely.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:47 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

**KENAI CITY COUNCIL – REGULAR MEETING
AUGUST 18, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
MAYOR BRIAN GABRIEL, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai City Council was held on August 18, 2021, 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
Jim Glendening
Victoria Askin (via Electronic Participation)

Robert Molloy
Teea Winger (via Electronic Participation)
Glense Pettey

A quorum was present.

Also in attendance were:

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

3. Agenda Approval

MOTION:

Mayor Gabriel noted the following additions to the packet:

Add to item D.8.

Resolution No. 2021-54

- KPB Memo
- KPB Powerpoint Presentation

Add to item J.1

City Manager Report

- Kenai Marketing Plan FY2022 Detail

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

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

4. **Consent Agenda**

MOTION:

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

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

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

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

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

B. SCHEDULED PUBLIC COMMENTS

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

Tim Dillon discussed the goals of Kenai Peninsula Economic Development District, noting that priorities include outreach, engagement, improving quality of life on the Peninsula, and cultivating and maintaining relationships. He reviewed KPEDD's current and upcoming projects, including an economic resiliency plan for local businesses, broadband expansion, and energy audits. He showed a video which highlighted their partnership with the Alaska Manufacturing Extension Partnership, a University of Alaska Anchorage Business Enterprise Institute.

C. UNSCHEDULED PUBLIC COMMENTS – None

Ryan Hatt expressed frustration with the reported salmon escapement levels in the Kenai River, and stated that it is hurting the commercial fishing industry with millions of dollars being lost. He suggested stopping dipnetting and closing the Kenai dock.

D. PUBLIC HEARINGS

1. **Ordinance No. 3226-2021** - Increasing Fiscal Year 2021 Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3226-2021 and Council Member 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.

VOTE:

YEA: Gabriel, Winger, Glendening, Molloy, Pettey, Askin, Knackstedt
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Ordinance No. 3227-2021** - Accepting and Appropriating a Grant from the U.S. Department of Homeland Security Passed Through the State of Alaska Department of Military and Veterans' Affairs, Increasing Estimated Revenues and Appropriations in the General Fund - Fire Department, and Authorizing the Sole Source Purchase of Portable Radios and Accessories for the Fire Department. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3227-2021 and Vice Mayor Molloy **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.

Clarification was provided that the Kenai Fire Department radios communicate with Central Emergency Services and Nikiski Fire Department, as well as switch to emergency channels that are used by statewide agencies as well. Police radios communicate with Soldotna Police, State Troopers and other police departments. It was also noted that these radios would be compatible with potential collaboration with City of Soldotna to be discussed later in the meeting.

VOTE:

YEA: Winger, Glendening, Molloy, Pettey, Askin, Knackstedt, Gabriel
NAY:

MOTION PASSED UNANIMOUSLY.

3. **Ordinance No. 3228-2021** - Increasing Estimated Revenues and Appropriations in the Airport Fund, Terminal Repair and Maintenance Department for Expenditures in Excess of Budgeted Amounts Related to Damage to Terminal Building Siding and Authorizing a Purchase Order to Blazy Construction, Inc. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3228-2021 and Council Member 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.

Clarification was provided that damage occurred when snow was being cleared adjacent to the restaurant and the loader got too close and hit the terminal building. Guidance has been posted that motorized vehicles cannot get within 5 feet of the building. Noted that insurance is applicable, but the cost is less than the deductible amount.

VOTE:

YEA: Glendening, Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Ordinance No. 3229-2021** - Accepting a Grant from the Federal Aviation Administration and Increasing Estimated Revenues and Appropriations in the Airport Snow Removal Equipment Capital Project Fund. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3229-2021 and Council Member Pettey **SECONDED** the motion.

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

It was noted that this is a piece of equipment that can keep up with the high standards at the airport, and that the delivery will be timely.

VOTE:

YEA: Molloy, Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening

NAY:

MOTION PASSED UNANIMOUSLY.

5. **Ordinance No. 3230-2021** - Increasing Estimated Revenues and Appropriations in the General Fund - Fire Department for the Purchase of Extrication Equipment Needed to Provide Emergency Response to Motor Vehicle Accidents. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3230-2021 and Vice Mayor Molloy **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.

Clarification was provided that this is an apparatus that is common to all or most of the fire departments in the area, as it is necessary and needed equipment for the community. The sole source purchase is due to the fact that they are the only provider for this product in the state of Alaska. It was noted that the Kenai Fire Department has had great success with this brand of product in the past, and that they and other fire departments in the area are familiar with how to use it. Clarification was provided that it has a long battery life, and that we currently have a demo set which we can use until the new equipment is delivered. First responders were thanked for their diligence.

VOTE:

YEA: Pettey, Askin, Knackstedt, Gabriel, Winger, Glendening, Molloy
 NAY:

MOTION PASSED UNANIMOUSLY.

6. **Ordinance No. 3231-2021** - Increasing Estimated Revenues and Appropriations in the COVID-19 Cares Act Recovery Fund for a Federal Cares Act Grant Passed Through the State of Alaska Department of Public Safety for Overtime and Direct Expenditures of the Police, Fire, and Communications Departments of the City. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to enact Ordinance No. 3231-2021 and Council Member Pettey **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.

VOTE:

YEA: Askin, Knackstedt, Gabriel, Winger, Glendening, Molloy, Pettey
 NAY:

MOTION PASSED UNANIMOUSLY.

7. **Ordinance No. 3232-2021** - Increasing Estimated Revenues and Appropriations in the General Fund, Kenai Fine Arts Center Capital Project Fund and Amending the Lease for a Portion of Lot 3, Block 17, Original Townsite of Kenai for the Kenai Fine Arts Center to Provide Additional Funding for Improvements and Modifications Amendment to the Lease for the Kenai Fine Arts Center. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3232-2021 and Council Member Knackstedt **SECONDED** the motion.

Mayor Gabriel opened the floor for public comment.

Marion Nelson expressed appreciation for the City's support going through this process. She noted the donations of time and talent from the community, explaining that they are almost up and running and these additional funds will make that happen, and she clarified what still needs to be done.

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

MOTION TO AMEND:

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3232-2021 by replacing the first blank ["XX"] in the seventh WHEREAS with the number \$25,048.10 and the word "in" and the second blank ["XX"] with the number 350. Council Member Knackstedt **SECONDED** the motion.

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

MOTION TO AMEND:

Council Member Winger **MOVED** to amend Ordinance No. 3232-2021 by changing the third WHEREAS to remove everything after "local community". Council Member Glendening **SECONDED** the motion.

Concerns were expressed about the age of the building and its future needs, and potential difficulty securing funding in the future. It was stated that it is only right for the City to still have the ability to address the aging building, and the suggestion was made to sell the building to the Art Guild for one dollar.

Clarification was provided that this takes away the obligation, but not ability, of the City to address issues with the Fine Arts Center building. The Fine Arts Guild is responsible for keeping building insurance up to date which it is, and it was also noted that the City carries property insurance on it as well.

It was explained that this additional appropriation will complete the scope of work that was identified by the Art Guild, although other issues have been identified that may need to be addressed in the future, and they can approach the City for funding at that time. This Ordinance states that the Council has no obligation to provide more funding, but it is in their ability to do so.

VOTE ON AMENDMENT:

YEA: Winger
NAY: Knackstedt, Gabriel, Glendening, Molloy, Pettey, Askin

MOTION TO AMEND FAILED.

Clarification was provided on the distinction between the Peninsula Art Guild organization and Kenai Fine Art Center building.

It was noted that the lease amendment which makes clearer that the Art Guild is responsible for the upkeep and maintenance of the building, but they can ask Council for funds in the future. The modification to Section 18 that repairs are the responsibility of the Art Center better positions them to receive grants which will help when pursuing them in the future.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Gabriel, Winger, Glendening, Molloy, Pettey, Askin, Knackstedt
 NAY:

MOTION PASSED UNANIMOUSLY.

8. **Resolution No. 2021-54** - Adopting Joint Resolution No. 2021-002 of the Assembly of the Kenai Peninsula Borough and Councils of the Cities of the Kenai Peninsula Borough, Supporting a Request for Federal Aid Submitted by the Kenai Peninsula Borough to Alaska's U.S. Congressional Delegation for the Purpose of Spruce Bark Beetle Mitigation. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-54 and Vice Mayor Molloy **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.

Clarification was provided this resolution is an overarching request that acknowledges the impact of spruce bark beetles on both private and public property types, and noted that it recognizes this inclusivity and sharing of a common goal of mitigating this impact.

The importance of answering to the public on this issue was emphasized, as there have been requests from the public for slash areas. Support was expressed for the resolution, and it was noted that the scope of the problem goes beyond the Kenai Peninsula Borough and will require federal aid. Appreciation was expressed for the information provided by the Borough, including a comprehensive list of measures that federal funds will support. It was noted this will have a great benefit for the community.

VOTE:

YEA: Winger, Glendening, Molloy, Pettey, Askin, Knackstedt, Gabriel
 NAY:

MOTION PASSED UNANIMOUSLY.

9. **Resolution No. 2021-55** - Approving the Development Incentives per Kenai Municipal Code 21.10.100 for a Lease of Airport Reserve Lands Between the City of Kenai and Schilling Rentals, LLC on General Aviation Apron Sub No. 1 Amended Lot 2 Blk 3. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to adopt Resolution No. 2021-55 and Council Member Pettey **SECONDED** the motion.

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

It was noted that the building is under construction, and the lessee has been putting in a lot of time and efforts into the improvements.

UNANIMOUS CONSENT was requested.

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

E. MINUTES

1. *Work Session of August 4, 2021. (City Clerk)

Approved by the consent agenda.

2. *Regular Meeting of August 4, 2021. (City Clerk)

Approved by the consent agenda.

F. UNFINISHED BUSINESS

G. NEW BUSINESS

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

Approved by the consent agenda.

2. ***Ordinance No. 3234-2021** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund, Amending the City's Professional Services Agreement with HDL Engineering Consultants, Accepting Grant Funding from the Federal Aviation Administration, and Issuing a Purchase Order for Construction of the 2021 Airfield Drainage Rehabilitation Project at the Kenai Municipal Airport. (Administration)

Introduced by the consent agenda and Public Hearing set for September 1, 2021.

3. ***Ordinance No. 3235-2021** - Accepting and Appropriating a Grant from the State of Alaska for the Purchase of Library Books. (Administration)

Introduced by the consent agenda and Public Hearing set for September 1, 2021.

4. ***Ordinance No. 3236-2021** - Amending the Official Zoning Map by Rezoning T 5N R 11W Sec 6 Seward Meridian KN North 150 Ft of Govt Lot 34 from Suburban Residential to General Commercial. (Administration)

Introduced by the consent agenda and Public Hearing set for September 1, 2021.

5. ***Ordinance No. 3237-2021** - Increasing Estimated Revenues and Appropriations in the General Fund – Land Administration Department to Provide Funding for a Kenai Waterfront Revitalization Feasibility Study. (Administration)

Introduced by the consent agenda and Public Hearing set for September 1, 2021.

6. **Action/Approval** - Authorizing a Special Use Permit to Boys and Girls Club of the Kenai Peninsula for Office Space at the Beacon Building. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to authorize a Special Use Permit to Boys and Girls Club of the Kenai Peninsula for office space at the Beacon Building. GP **SECONDED** the motion.

Clarification was provided that while this will occupy most of the office space on the second floor, there are other spaces being used by the Red Cross and Beacon. There is still sufficient space for Fire Department training, and it is noted that the permit does not allow for exclusive use of the area.

UNANIMOUS CONSENT was requested.

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

7. **Action/Approval** - Letter of Support for a Kenaitze Indian Tribe Grant Request for a Pilot Fixed-Route Transportation Program. (Administration)

MOTION:

Council Member Knackstedt **MOVED** to approve a letter of support for a Kenaitze Indian Tribe Grant request for a pilot fixed-route transportation program. Vice Mayor Molloy **SECONDED** the motion.

City Manager Ostrander reported that the Kenaitze Indian tribe reached out to request that the Mayor sign a letter supporting their grant application to the USDOT. An explanation was provided for the proposed fixed-route bus service which would be open to all members of the public, and this pilot program could prove it is a viable system to move forward with.

VOTE:

YEA: Winger, Glendening, Molloy, Pettey, Askin, Knackstedt, Gabriel
NAY:

MOTION PASSED UNANIMOUSLY.

8. **Action/Approval** - Potential Partnership with the City of Soldotna to Provide 9-1-1 Dispatch Services. (Administration)

MOTION:

Vice Mayor Molloy **MOVED** to direct administration to perform the due diligence necessary to determine if a partnership with the City of Soldotna to provide 9-1-1 dispatch services is in the best interests of the City of Kenai and bring a recommendation back to Council. Council Member Knackstedt **SECONDED** the motion.

Clarification was provided that the City of Kenai would be providing a term contract with the City of Soldotna, which would include the location and equipment for dispatch services. The terms of payment for dispatch services in this contract would be based on the populations of the two cities. Grants would be pursued in the same manner they have been previously, and if significant upgrades are needed, the contract would state that the City of Soldotna would have to participate in that.

Discussion included whether the uptick in population during tourist season would be taken into account, and the possibility for basing payment calculation on call volumes. Concerns were expressed about taking on more services for the City of Soldotna through partnerships.

It was noted that the City of Soldotna approached Kenai about this because the Kenai Peninsula Borough is renegotiating their contract and Soldotna may need to pay significantly more for dispatch services than in the past.

Clarification was provided that if this partnership is implemented there would be a need to hire more dispatch employees, and that it could prevent delays caused by routing cellular calls from Kenai to Soldotna, both of which would benefit residents of our City.

UNANIMOUS CONSENT was requested.

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

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging – Council Member Pettey reported on the meeting of August 12, 2021. Next meeting September 9, 2021.
2. Airport Commission – No report. Next regular meeting September 9, 2021.
3. Harbor Commission – No report. A special meeting has been scheduled for August 23, 2021 to discuss the Kenai Waterfront Revitalization Feasibility Study and provide a recommendation to Council. Next regular meeting September 13, 2021.
4. Parks and Recreation Commission – No report. Next meeting September 2, 2021.
5. Planning and Zoning Commission – Council Member Glendening reported on the meetings of August 11, 2021. Next meeting August 25, 2021.
6. Beautification Committee – Council Member Askin reported on the Tour of the City's Garden Work Session on August 10, 2021. Next meeting September 14, 2021.
7. Mini-Grant Steering Committee – No report.

I. REPORT OF THE MAYOR

Mayor Gabriel reported on the following:

- Attended the ribbon cutting event at the Airport Terminal, and it was wonderful day and a very well done event. Thanked Airport Administrative Assistant Erica Brincefield for her help putting it together;
- Attended a breakfast roundtable with Alaska Oil & Gas at the Challenger Center;
- Planned to attend Alaska Airport Advisory Commission at the After-Hours Social event but was unable to, although he would like to connect with them in future;
- Reminded everyone that COVID-19 numbers are rising, and encouraged practicing good hygiene to try to tamp down on the current spike.

J. ADMINISTRATION REPORTS

1. City Manager –City Manager Ostrander reported on the following:
 - Met with the Corps of Engineers on August 11th and showed them three areas on bluff, and they reiterated that they hear consistently that this project is a priority and they believe funding is forthcoming;
 - Met on August 13th with AIX, who operate the gas pad adjacent to city shop. Production is strong at that pad and they would like to expand but can't due to lack of leases;
 - The City received the first half of American Rescue Plan funds on August 11th;
 - Attended the Alaska Oil & Gas breakfast with Mayor Gabriel;
 - Attended the After-Hours Social event at the airport, and also went to their board meeting where he plugged use of Beacon facility for training;
 - Met with Salamatof Board about plans for a waterfront revitalization feasibility study to see if they are interested in partnership, and talked about economic incentives and other potential partnerships;
 - No employees are currently in COVID-19 protocol;
 - Bluff Project update: the City closed on a large parcel of the bluff, which leaves three parcels for acquisition that administration is pursuing;
 - Updated sales tax information from Quarter 2 was provided and administration was very impressed with local economy in Kenai.
2. City Attorney – City Attorney Bloom noted that he will provide online sales tax information for the next Council meeting.
3. City Clerk – City Clerk Heinz reported on the following:
 - Candidate filing period closed on Monday, August 16th. Five candidates will be on the ballot: Victoria Askin, Alex Douthit, Deborah Sounart, James Baisden and Jim Duffield.

K. ADDITIONAL PUBLIC COMMENT

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

James Baisden addressed Council but was unable to be heard due to technical difficulties.

2. Council Comments

Council Member Winger congratulated the Council candidates and wished them good luck. She welcomed kids back to school, warned people to stay safe in school zones and around bus stops and noted that she wants a student representative on the City Council. Expressed disappointment that Industry Appreciation Day was cancelled. Reminded people to firewise their property and remove dead or leaning trees, and thanked City staff departments for their service to our community.

Council Member Askin thanked the City Clerk and City Attorney for allowing her to participate remotely. She noted that she had toured the Kenai Fine Art Center with Marion Nelson, and is impressed with improvements in building.

Council Member Glendening thanked the City Manager for installing an AED device on wall.

Council Member Pettey noted that she went to the airport ribbon cutting event, and thanked everyone for putting on the wonderful celebration as well as the FAA for resources that allowed the terminal rehabilitation to happen. She thanked the Corps of Engineers for visiting the bluff, noting she is looking forward to seeing that happen as well as waterfront revitalization and Kenaitze transportation line.

Vice Mayor Molloy noted the good news about the Bluff Erosion Project, and appreciates that they came to visit personally. Expressed appreciation for the incredible sales tax report, stating that Administration and Council have done good work creating an environment that supports business in the City. Congratulated the Council candidates, and is looking forward to working with Council at the upcoming work session on September 1st for the election code.

Council Member Knackstedt attended the terminal ribbon cutting event, noting the money the City put into it upgraded the building and improved it greatly. He stated that he is looking forward to the additional work and landscaping to be done. He also attended the aviation After-Hours Social and saw the new meeting room. He reported that the Airport Commission will be having a special meeting on August 26th to discuss a waterfront revitalization feasibility study, and offered the services of the Civil Air Patrol.

L. EXECUTIVE SESSION

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

Vice Mayor Molloy **MOVED** to enter into executive session to review and discuss the Terms of Employment Agreement for the City Clerk which, pursuant to AS 44.62.310(c)(2) may be a subject that tends to prejudice the reputation and character of the City Clerk, requested the attendance of City Clerk, Jamie Heinz, as needed. Council Member Knackstedt **SECONDED** the motion

VOTE:

YEA: Askin, Knackstedt, Gabriel, Winger, Glendening, Molloy, Pettey

NAY:

MOTION PASSED UNANIMOUSLY.

Council reconvened in open session and it was noted for the record that Council met in executive session and no action was needed.

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

No action was taken by Council.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATION ITEMS

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

There being no further business before the Council, the meeting was adjourned at 9:39 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of August 18, 2021.

Jamie Heinz, MMC
City Clerk

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION
COUNCIL MEETING OF: SEPTEMBER 1, 2021**

| VENDOR | DESCRIPTION | DEPARTMENT | ACCOUNT | AMOUNT |
|---------------|--------------------|-------------------|----------------|---------------|
| PERS | PERS | VARIOUS | LIABILITY | 87,718.37 |

INVESTMENTS

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



MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
FROM: Jamie Heinz, City Clerk
DATE: August 27, 2021
SUBJECT: **Marijuana License Renewals**

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested license renewals:

Applicant: Herban Extracts, LLC
Owners: Lisa Coates
D/B/A: Herban Extracts, LLC
Licenses: Marijuana Product Manufacturing Facility

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Product Manufacturing Facility will be forwarded to the Alcoholic & Marijuana Control Office and the applicant.

Your consideration is appreciated.

Submit

by Jamie Heinz 8/6/2021 5:57:15 PM (Form Submission)

Approve

by Jeremy Hamilton 8/10/2021 2:14:56 PM (Fire Marshall Review)

- The task was assigned to Jeremy Hamilton. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:57 PM

Approve

by Scott Curtin 8/9/2021 12:48:52 PM (Building Official Review)

- The task was assigned to Scott Curtin. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:57 PM

Approve

by Dave Ross 8/9/2021 2:23:09 PM (Police Department Review)

- The task was assigned to Dave Ross. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:57 PM

Approve

by Tina Williamson 8/9/2021 8:33:28 AM (Finance Asst Review)

- The task was assigned to Tina Williamson. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:57 PM

Approve

by Cindy Herr 8/9/2021 11:03:50 AM (Legal Asst Review)

■ *No monies owed in restitution or traffic fines.*

- The task was assigned to Cindy Herr. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:57 PM

Approve

by Wilma Anderson 8/11/2021 5:39:00 PM (Lands Review)

- The task was assigned to Wilma Anderson. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:57 PM

Approve

by Terry Eubank 8/12/2021 9:20:50 AM (Finance Review)

- The task was assigned to Terry Eubank. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:39 PM

Approve

by Scott Bloom 8/11/2021 5:41:31 PM (Legal Review)

- The task was assigned to Scott Bloom. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:39 PM

Approve

by Ryan Foster 8/16/2021 4:02:54 PM (P&Z Department Review)

- The task was assigned to Ryan Foster. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:39 PM

AMCO License Application

Date

8/6/2021

Establishment Information

License Type

Marijuana Product Manufacturing Facility

Licensee

Herban Extracts, LLC

Doing Business As

Herban Extracts, LLC

Premises Address

14927 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Lisa Coates

Contact Phone No.

252-4755

Contact Email

lisa@ljoutfitters.com

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

| | |
|--|----------|
| 14432 Entity Documents (1).pdf | 3.6MB |
| 14432 MJ-20s combined.pdf | 1.93MB |
| 14432 online application original_Redacted.pdf | 152.69KB |
| 14432 POPPP (1).pdf | 1.98MB |
| 14432 Renewal Local Government Notice.pdf | 575.55KB |



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

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

August 4, 2021

City of Kenai

Attn: Jamie Heinz
VIA Email: jheinz@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk
Via Email: jblankenship@kpb.us
CC: micheleturner@kpb.us
tshassetz@kpb.us
ssness@kpb.us
mjenkins@kpb.us
btaylor@kpb.us
MBerg@kpb.us

| | |
|-----------------------------|--|
| License Number: | 14432 |
| License Type: | Marijuana Product Manufacturing Facility |
| Licensee: | Herban Extracts, LLC |
| Doing Business As: | HERBAN EXTRACTS, LLC |
| Physical Address: | 14927 Kenai Spur Highway Kenai, AK 99611 |
| Designated Licensee: | Lisa Coates |
| Phone Number: | 907-252-4755 |
| Email Address: | lisa@ljoutfitters.com |

License Renewal Application **Endorsement Renewal Application**

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

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

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

board's satisfaction that the requirements of the local government have been met before the director issues the license.

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

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive, somewhat stylized font.

Glen Klinkhart, Director



Alaska Marijuana Control Board Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

| | | | | | |
|--------------------|--|-----------------|--------|------|-------|
| Licensee: | Herban Extracts, LLC | License Number: | 14432 | | |
| License Type: | Marijuana Product Manufacturing Facility | | | | |
| Doing Business As: | Herban Extracts, LLC | | | | |
| Premises Address: | 14927 Kenai Spur Highway | | | | |
| City: | Kenai | State: | Alaska | ZIP: | 99611 |

Section 2 – Individual Information

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

| | |
|--------|-----------------|
| Name: | Buddy Crowder |
| Title: | Manager, Member |

Section 3 – Violations & Charges

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

Initials

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

BC

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

BC

I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021.

BC

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

Initials

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



Section 4 - Certifications & Waiver

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

Initials

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

BC

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

BC

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

BC

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

BC

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

BC

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

BC

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

BC

I, Buddy Crowder, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

BC

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Buddy Crowder
Signature of licensee

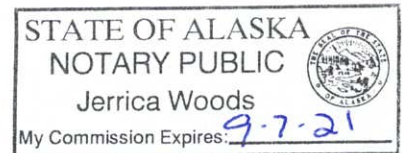
Jerrica Woods
Notary Public in and for the State of Alaska

Buddy Crowder

Printed name of licensee

My commission expires: 9-7-21

Subscribed and sworn to before me this 24th day of May, 2021.





Alaska Marijuana Control Board Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

| | | | | | |
|--------------------|--|-----------------|--------|------|-------|
| Licensee: | Herban Extracts, LLC | License Number: | 14432 | | |
| License Type: | Marijuana Product Manufacturing Facility | | | | |
| Doing Business As: | Herban Extracts, LLC | | | | |
| Premises Address: | 14927 Kenai Spur Highway | | | | |
| City: | Kenai | State: | Alaska | ZIP: | 99611 |

Section 2 – Individual Information

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

| | |
|--------|-----------------|
| Name: | Lisa Coates |
| Title: | Manager, Member |

Section 3 – Violations & Charges

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

Initials

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

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

I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021.

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

Initials

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



Section 4 - Certifications & Waiver

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

Initials

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

jc

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

jc

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

jc

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

jc

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

jc

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

jc

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

jc

I, Lisa Coates, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

jc

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

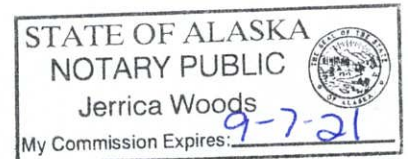
Signature of licensee

Notary Public in and for the State of Alaska

Lisa Coates
Printed name of licensee

My commission expires: 9-7-21

Subscribed and sworn to before me this 25 day of May, 2021.





Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

August 13, 2021

Sent via email: jheinz@kenai.city

City of Kenai
Kenai City Hall

RE: Renewal Application for Marijuana Product Manufacturing Facility

Business Name : Herban Extracts, LLC
License Location : Kenai/14927 Kenai Spur Highway, Kenai, AK 99611
License No. : 14432

Dear Ms. Heinz,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/ts

cc: buddy@907maryjane.com



MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
FROM: Jamie Heinz, City Clerk
DATE: August 27, 2021
SUBJECT: **Marijuana License Renewals**

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested license renewals:

Applicant: KRC, LLC
Owners: Clint Pickarsky
D/B/A: Kenai River Cannabis
License: Retail Marijuana Store

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Retail Marijuana Store will be forwarded to the Alcoholic & Marijuana Control Office and the applicant.

Your consideration is appreciated.

- Submit** by Jamie Heinz 8/11/2021 5:12:22 PM (Form Submission)
- Approve** by Jeremy Hamilton 8/12/2021 4:32:49 PM (Fire Marshall Review)
- The task was assigned to Jeremy Hamilton. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:12 PM
- Approve** by Scott Curtin 8/18/2021 11:56:48 AM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:12 PM
- Approve** by Dave Ross 8/12/2021 11:49:44 AM (Police Department Review)
- The task was assigned to Dave Ross. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:12 PM
- Approve** by Tina Williamson 8/12/2021 10:46:45 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:12 PM
- Approve** by Cindy Herr 8/12/2021 9:04:34 AM (Legal Asst Review)
- **No monies owed in restitution or traffic citations.**
 - The task was assigned to Cindy Herr. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:12 PM
- Approve** by Wilma Anderson 8/11/2021 5:39:51 PM (Lands Review)
- The task was assigned to Wilma Anderson. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:12 PM
- Approve** by Terry Eubank 8/12/2021 4:25:58 PM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: August 23, 2021 5:00 PM 8/12/2021 10:46 AM
- Approve** by Scott Bloom 8/12/2021 11:29:12 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: August 23, 2021 5:00 PM 8/12/2021 10:46 AM
- Approve** by Ryan Foster 8/16/2021 4:03:17 PM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: August 23, 2021 5:00 PM 8/12/2021 10:46 AM

Date

8/11/2021

Establishment Information

License Type

Retail Marijuana Store

Licensee

KRC, LLC

Doing Business As

Kenia River Cannabis

Premises Address

14429 Kenai Spur Highway

City, State

Kenai, AK

Contact Information

Contact Licensee

Clint Pickarsky

Contact Phone No.

907-953-1985

Contact Email

kenairivercannabis@yahoo.com

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

| | |
|---|----------|
| 17808 City-Borough Kenai Combined Renewal Local Government Notice.pdf | 574.34KB |
| 17808 Entity Documents (2).pdf | 1.79MB |
| 17808 MJ-20.pdf | 3.13MB |
| 17808 online application original_Redacted.pdf | 115.29KB |
| 17808 POPPP (2).pdf | 908.88KB |



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

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

August 11, 2021

City of Kenai

Attn: Jamie Heinz
VIA Email: jheinz@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk
Via Email: jblankenship@kpb.us
CC: micheleturner@kpb.us
tshassetz@kpb.us
ssness@kpb.us
mjenkins@kpb.us
btaylor@kpb.us
MBerg@kpb.us

| | |
|-----------------------------|---|
| License Number: | 17808 |
| License Type: | Retail Marijuana Store |
| Licensee: | KRC LLC |
| Doing Business As: | KENAI RIVER CANNABIS |
| Physical Address: | 14429 Kenai Spur Highway Kenai, AK 99611 |
| Designated Licensee: | Clint Pickarsky |
| Phone Number: | 907-953-1985 |
| Email Address: | kenairivercannabis@yahoo.com |

License Renewal Application **Endorsement Renewal Application**

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

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

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

board's satisfaction that the requirements of the local government have been met before the director issues the license.

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

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke extending to the right.

Glen Klinkhart, Director



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

| | | | | | |
|--------------------|--------------------------|-----------------|-------|------|-------|
| Licensee: | KRC LLC | License Number: | 17808 | | |
| License Type: | Retail Marijuana Store | | | | |
| Doing Business As: | Kenai River Cannabis | | | | |
| Premises Address: | 14429 Kenai Spur Highway | | | | |
| City: | Kenai | State: | AK | ZIP: | 99611 |

Section 2 – Individual Information

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

| | | | | | |
|--------|-----------------|--|--|--|--|
| Name: | Clint Pickarsky | | | | |
| Title: | Managing Member | | | | |

Section 3 – Violations & Charges

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

Initials

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



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



I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021.



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

Initials

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





Section 4 - Certifications & Waiver

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

Initials

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

CP

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

CP

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

CP

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

CP

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

CP

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

CP

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

CP

I, Clint Pickarsky, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

CP

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Notary Public in and for the State of Alaska

Clint Pickarsky

Printed name of licensee

My commission expires: 12/13/22

Subscribed and sworn to before me this 2nd day of June, 2021.





MEMORANDUM

TO: Mayor Gabriel and Kenai Council Members
FROM: Jamie Heinz, City Clerk
DATE: August 27, 2021
SUBJECT: **Marijuana License Renewals**

The Alcoholic & Marijuana Control Office has sent notification that the following applicant has requested license renewals:

Applicant: Peninsula Botanicals, LLC
Owners: Kathryn Staskon
D/B/A: Peninsula Botanicals
License: Limited Marijuana Cultivation Facility

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicant has satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of the Limited Marijuana Cultivation Facility will be forwarded to the Alcoholic & Marijuana Control Office and the applicant.

Your consideration is appreciated.

- Submit** by Jamie Heinz 8/6/2021 5:58:49 PM (Form Submission)
- Approve** by Jeremy Hamilton 8/10/2021 2:14:47 PM (Fire Marshall Review)
- The task was assigned to Jeremy Hamilton. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:58 PM
- Approve** by Scott Curtin 8/9/2021 12:48:36 PM (Building Official Review)
- The task was assigned to Scott Curtin. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:58 PM
- Approve** by Dave Ross 8/9/2021 2:20:10 PM (Police Department Review)
- The task was assigned to Dave Ross. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:58 PM
- Approve** by Tina Williamson 8/9/2021 8:34:03 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:58 PM
- Approve** by Cindy Herr 8/9/2021 11:05:39 AM (Legal Asst Review)
- **No monies owed in restitution or traffic fines.**
 - The task was assigned to Cindy Herr. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:58 PM
- Approve** by Wilma Anderson 8/11/2021 5:39:30 PM (Lands Review)
- The task was assigned to Wilma Anderson. The due date is: August 17, 2021 5:00 PM 8/6/2021 5:58 PM
- Approve** by Terry Eubank 8/12/2021 9:20:29 AM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:39 PM
- Approve** by Scott Bloom 8/11/2021 5:41:40 PM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:39 PM
- Approve** by Ryan Foster 8/16/2021 4:03:07 PM (P&Z Department Review)
- The task was assigned to Ryan Foster. The due date is: August 20, 2021 5:00 PM 8/11/2021 5:39 PM

Date

8/6/2021

Establishment Information

License Type

Limited Marijuana Cultivation Facility

Licensee

Peninsula Botanicals, LLC

Doing Business As

Peninsula Botanicals

Premises Address

1030 Angler Drive #B

City, State

Kenai, AK

Contact Information

Contact Licensee

Kathryn Staskon

Contact Phone No.

420-4176

Contact Email

katestaskon@gmail.com

Additional Contact Information

Name

Phone No.

Email

Documents

File Upload

| | |
|---|----------|
| 12303 Renewal Local Government Notice.pdf | 574.42KB |
| 12303 POPPP (3).pdf | 964.48KB |
| 12303 Online App original_Redacted.pdf | 147.72KB |
| 12303 MJ-20.pdf | 787.51KB |
| 12303 Entity Docs.pdf | 1.08MB |



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

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

August 3, 2021

City of Kenai

Attn: Jamie Heinz
VIA Email: jheinz@kenai.city

Kenai Peninsula Borough

Attn: Borough Clerk
Via Email: jblankenship@kpb.us
CC: micheleturner@kpb.us
tshassetz@kpb.us
ssness@kpb.us
mjenkins@kpb.us
btaylor@kpb.us
MBerg@kpb.us

| | |
|-----------------------------|--|
| License Number: | 12303 |
| License Type: | Limited Marijuana Cultivation Facility |
| Licensee: | Peninsula Botanicals, LLC |
| Doing Business As: | PENINSULA BOTANICALS |
| Physical Address: | 1030 angler drive Unit B Kenai, AK 99611 |
| Designated Licensee: | Kathryn Staskon |
| Phone Number: | 907-420-4176 |
| Email Address: | katestaskon@gmail.com |

License Renewal Application **Endorsement Renewal Application**

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

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

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

board's satisfaction that the requirements of the local government have been met before the director issues the license.

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

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke at the end.

Glen Klinkhart, Director



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

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

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

Section 1 – Establishment Information

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

| | | | |
|--------------------|-------------------------------|-----------------|-------|
| Licensee: | Peninsula Botanicals LLC | License Number: | 12303 |
| License Type: | Limited Marijuana Cultivation | | |
| Doing Business As: | Peninsula Botanicals | | |
| Premises Address: | 1030 Angler Dr Unit B | | |
| City: | Kenai AK | State: | AK |
| | | ZIP: | 99611 |

Section 2 – Individual Information

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

| | |
|--------|-------------------------|
| Name: | Kathryn Ann Staskon |
| Title: | Chief Executive Officer |

Section 3 – Violations & Charges

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

Initials

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

KS

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

KS

I certify that a notice of violation has not been issued to this license between July 1, 2020 and June 30, 2021.

KS

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

Initials

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



Section 4 – Certifications & Waiver

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

Initials

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

KS

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

KS

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

KS

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

KS

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

KS

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

KS

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

KS

I, Kathryn Staskon, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

KS

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

[Handwritten signature of Kathryn Staskon]
Signature of licensee

[Handwritten signature of Alisa Kala-de la Cruz]
Notary Public in and for the State of Alaska

Kathryn Ann Staskon
Printed name of licensee

My commission expires: 10/31/2022

Subscribed and sworn to before me this 3 day of June, 2021





Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3238-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING AN INTERLIBRARY COOPERATION GRANT FROM THE ALASKA STATE LIBRARY FOR THE KENAI COMMUNITY LIBRARY STORYWALK® PROJECT.

WHEREAS, the Kenai Community Library has been awarded State funds in the amount of \$5,476 from the Alaska State Library for the purchase and installation of a StoryWalk®; and,

WHEREAS, a StoryWalk® is a series of outdoor signs featuring pages from a children’s book; and,

WHEREAS, the StoryWalk® provides a great opportunity for parents and caregivers to be their children’s first teacher while reading and playing outdoors; and,

WHEREAS, Library staff will use the StoryWalk® to engage patrons outside the library and provide early literacy programs and activities; and,

WHEREAS, it is in the best interest of the City of Kenai to appropriate these funds for the purpose intended.

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

Section 1. That the City Manager is authorized to accept a grant in the amount of \$5,476 from the Alaska State Library, execute any necessary grant agreements, and to expend the grant in accordance with grant provisions and this Ordinance.

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

General Fund:

| | |
|--|--------------------|
| Increase Estimated Revenues – | |
| State Grants - Library | <u>\$5,476</u> |
| | |
| Increase Appropriations – | |
| Library -- Books | \$ 120 |
| Library – Operating, Repair & Maintenance Supplies | 4,726 |
| Library – Postage | 400 |
| Library –Rentals | <u>230</u> |
| | <u>\$5,476</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 15th day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: September 1, 2021
Enacted: September 15, 2021
Effective: September 15, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
THROUGH: Paul Ostrander, City Manager
FROM: Katja Wolfe, Library Director
DATE: August 24, 2021
SUBJECT: Ordinance 3238-2021

The Alaska State Library has awarded the Kenai Community Library State funds in the amount of \$5,476 for the purchase and installation of a StoryWalk®. A StoryWalk® consists of a series of signs along an outdoor path and features the pages from a rotating collection of children’s books. Children and adults alike will be able to enjoy a story and the outdoors at the same time. Library staff will utilize the StoryWalk® to offer early literacy programs and other outdoor programming activities.

Your consideration is appreciated.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3239-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE GENERAL FUND – POLICE DEPARTMENT AND ACCEPTING A GRANT FROM THE DEPARTMENT OF JUSTICE PASSED THROUGH THE ALASKA INTERNET CRIMES AGAINST CHILDREN TASK FORCE FOR THE PURCHASE OF FORENSIC SOFTWARE.

WHEREAS, the Kenai Police Department is an active member in good standing with Alaska Internet Crimes Against Children (ICAC) Task Force; and,

WHEREAS, Investigators at the Kenai Police Department operate a Cellebrite system for performing forensic device data extraction and examination, which requires regular software updates; and,

WHEREAS, the Alaska ICAC has approved reimbursing the Kenai Police Department for the current costs of those software updates (\$4,257).

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 these grant funds in the amount of \$4,257 and to expend those funds pursuant to all grant terms and conditions and to fulfill the purpose and intent of this ordinance.

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

General Fund:

| | |
|--|--------------------|
| Increase Estimated Revenues – Federal Grants - Police | <u>\$4,257</u> |
| Increase Appropriations – Police – Software | <u>\$4,257</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 15th day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: September 1, 2021
Enacted: September 15, 2021
Effective: September 15, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: David Ross – Police Chief

DATE: August 23, 2021

SUBJECT: **Ordinance No. 3239-2021 ICAC funds for Cellebrite Software**

The Kenai Police Department is a member agency of the Alaska Internet Crimes Against Children (ICAC) Task Force. That Task Force receives funding from the Department of Justice to assist in its mission. As a member of the ICAC, the Kenai Police Department has been allocated some of those grant funds.

The Department operates a Cellebrite device for forensic data extraction of devices, such as smart phones. That device requires software updates and the ICAC has approved reimbursement for software updates to that device for \$4,257.00.

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



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3240-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA AMENDING KENAI MUNICIPAL CODE SECTION 23.55.030 – QUALIFICATION PAY, TO AMEND THE SALARY RANGES TO ACCURATELY REFLECT RECOGNITION PAY AND ENTITLEMENTS.

WHEREAS, the City Council recently passed Ordinance 3210-2021 amending the Kenai Municipal Code to remove the Salary Schedule table to allow concurrent adoption of the Salary Schedule, Classification Plan, and the budget for the following fiscal year; and,

WHEREAS, upon further review, KMC 23.55.030 – Qualification Pay, references a previous version of the Salary Schedule, which was updated upon enactment by City Council of the ordinance adopting the FY2022 annual budget; and,

WHEREAS, an amendment to KMC 23.55.030 is necessary to accurately reflect recognition pay and entitlement pay; and,

WHEREAS, this amendment to the pay ranges does not affect employee pay or require an increase to the adopted annual budget for the FY2022 budget; and,

WHEREAS, amending the Kenai Municipal Code Section 23.55.030 – Qualification pay, to amend the specific salary ranges to accurately reflect recognition pay and entitlements is in the best interests of the City.

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

Section 1. Amendment of Section 23.55.030 of the Kenai Municipal Code: That Kenai Municipal Code, Section 23.55.030 (b)(1)(ii) Recognition Pay for Qualified Senior Officers, is hereby amended as follows:

Senior officer pay is for police officers who have completed step [16]21E subject to an overall evaluation rating of “Meets Expectations” or better, as follows:

Advance one (1) pay grade from [16]21E to [17]22E.

Section 2. Amendment of Section 23.55.030 of the Kenai Municipal Code: That Kenai Municipal Code, Section 23.55.030 (b) (2)– Fire Department, is hereby amended as follows:

(iii) Recognition entitlements for driver/operator qualified personnel for eligible grades of fire fighter are as follows:

Driver/Operator Qualified One (1) pay range increase (pay range [13]18 to pay range [14]19)

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 July 1, 2021.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15th day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Introduced: September 1, 2021
Enacted: September 15, 2021
Effective: October 15, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Stormy Brown, Human Resources

DATE: August 5, 2021

SUBJECT: **Ordinance 3240-2021 – Amending KMC 23.55.030 to Amend Specific Salary Range and Grade References to Accurately Reflect Recognition Pay and Entitlements**

With the FY22 budget approval, the City’s Salary Schedule was updated to standardize the grade assignments for each graded position within the City.

Recently, upon reviewing language in Chapter 23, it was discovered that previous grades were referenced by number in part of the language in *KMC 23.55.030, Qualification Pay*, and needed to be corrected to accurately reflect the recent changes.

To correct this, we are recommending a replacement of the grade numbers within the affected code section, changing them to correctly match the City’s FY22 Salary Schedule. Making these corrections will have no effect on employee pay.

Your support of this update is respectfully requested.



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3241-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, DECLARING THAT T 5N R 11W SEC 6 SEWARD MERIDIAN KN 0002970 ORIGINAL TOWNSITE OF KENAI LOT 3 BLK 8, ALSO KNOWN AS 604 INLET STREET, KENAI, ALASKA, WHOSE LAST RECORD OWNER UNDER BOROUGH ASSESSMENT RECORDS WAS PETER F. MYSING, WHOSE ADDRESS IS, PO BOX 8134, NIKISKI, ALASKA, 99635-8134 AND ESTATE OF PETER F. MYSING CO/ DALE DOLIFKA, PO BOX 498, SOLDOTNA, AK, 99669-0498, SHALL BE RETAINED BY THE CITY OF KENAI FOR A PUBLIC PURPOSE.

WHEREAS, the City has identified a parcel of property foreclosed upon by the Kenai Peninsula Borough for unpaid real property taxes that will serve a public purpose for the City; and,

WHEREAS, the parcel is T 5N R 11W SEC 6 SEWARD MERIDIAN KN 0002970 ORIGINAL TOWNSITE OF KENAI LOT 3 BLK 8, also known as 604 Inlet Street, Kenai, Alaska; and,

WHEREAS, the City of Kenai desires to retain the above-referenced tax-foreclosed property for public purposes, including bluff stabilization control measures and dunes stabilization; and,

WHEREAS, AS 29.45.460 requires that the City determine by ordinance whether a tax-foreclosed property shall be retained for a public purpose and shall provide the former record owner, by certified mail, notice of the public hearing on that ordinance; and,

WHEREAS, the last record owner of the property as the name appears on the Kenai Peninsula Borough's assessment roll is, Peter F. Mysing, whose address is, PO Box 8134, Nikiski, Alaska, 99635-8134 and Estate of Peter F. Mysing co/ Dale Dolifka, PO Box 498, Soldotna, AK, 99669-0498; and,

WHEREAS, on _____ the Clerk sent a copy of the publicized notice of the hearing on this ordinance to the last record owner of the property as the name appears on the Borough assessment rolls by certified mail; and,

WHEREAS, after passage of an ordinance declaring the City's retention of tax foreclosed property for a public purpose, the right of the former record owner to repurchase the property ceases.

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

Section 1. Form: This is a non-code ordinance.

Section 2. T 5N R 11W SEC 6 SEWARD MERIDIAN KN 0002970 ORIGINAL TOWNSITE OF KENAI LOT 3 BLK 8, also known as 604 Inlet Street, Kenai, Alaska, whose last record owner under Borough assessment records was Peter F. Mysing, whose address is, PO Box 8134,

Ordinance No. 3241-2021
Page 2 of 2

Nikiski, Alaska, 99635-8134 and Estate of Peter F. Mysing co/ Dale Dolifka, PO Box 498, Soldotna, AK, 99669-0498; and, is hereby retained by the City of Kenai for a public purpose.

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15th day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Introduced: September 1, 2021
Enacted: September 15, 2021
Effective: October 15, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: August 23, 2021

SUBJECT: **Ordinance 3241-2021 – Declaring that 604 Inlet Street, also known as KP# 04707403, shall be retained by the City of Kenai for a public purpose**

The purpose of this correspondence is to request that the City Council adopt the above referenced ordinance authorizing the City Manager to purchase property for a public purpose. The Kenai Peninsula Borough Land Management has prepared a preliminary list of foreclosed parcels to be disposed of in the Borough's 2021 Tax Foreclosure Auction. The City of Kenai has reviewed the list and submitted an application for requesting conveyance of 604 Inlet Street (KP# 04707403). Pursuant to AS 29.45.450 Deed to Borough or City; a city may request conveyance of tax foreclosed property when the city has an immediate need for that property. Property may be deeded to the city subject to taxes owed through judgment date, interest, and any out of pocket cost incurred by the KP through the date of the actual payment. The current back taxes owed on this parcel is \$369.30. The City of Kenai has identified the subject parcel for the public purpose of bluff stabilization control measures and dunes stabilization.

Thank you for your consideration.

Attachment A: Application

Attachment B: Aerial Map



Land Management

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax

A Division of the Planning Department

Charlie Pierce
Borough Mayor

APPLICATION TO REQUEST CONVEYANCE OF REAL PROPERTY FORECLOSED FOR DELINQUENT PROPERTY TAX FOR A PUBLIC PURPOSE PURSUANT TO A.S. 29.45.450

Name of city requesting conveyance: City of Kenai

Attention to: Paul Ostrander

Mailing Address: 210 Fidalgo Avenue City Kenai State AK Zip

KPB Assessor Parcel ID No.: 047-074-03

Is parcel within city limits? Yes No

(Optional)

Proposed public purpose: Bluff stabilization control measures/ dunes stabilization

(Optional)

Explanation of public purpose that parcel is being requested for should include:

- Reference to city code or other authority that supports the public purpose conveyance.
- Specific and immediate use of parcel.
- Attach additional pages or exhibits as needed.

AS29.45.460, KMC 22.05.135

Bluff stabilization control measures/ dunes stabilization

Proposed method of payment: Check

Authorized City Official

Paul Ostrander, City Manager
Printed Name, Title

Paul Ostr
Signature/Date

8/13/21

Invoice (Completed by KPB Finance Dept.)

Parcel ID NO. _____

Amount: _____

Recording Fee: _____

TOTAL DUE: _____

DUE DATE: _____, 2021



ORDINANCE 3241-2021
T 5N R 11W SEC 6 SEWARD MERIDIAN
KN 0002970 ORIGINAL TOWNSITE OF KENAI
LOT 3 BLK 8
604 Inlet Street, KPB #04707403



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





Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3242-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, DECLARING THAT T 5N R 11W SEC 5 SEWARD MERIDIAN KN 0002970 ORIGINAL TOWNSITE OF KENAI LOT 3 BLK 20, ALSO KNOWN AS 905 MISSION AVENUE, KENAI, ALASKA, WHOSE LAST RECORD OWNER UNDER BOROUGH ASSESSMENT RECORDS WAS KEITH K. KNIGHT, GENERAL DELIVERY, KENAI, ALASKA, SHALL BE RETAINED BY THE CITY OF KENAI FOR A PUBLIC PURPOSE.

WHEREAS, the City has identified a parcel of property foreclosed upon by the Kenai Peninsula Borough for unpaid real property taxes that will serve a public purpose for the City; and,

WHEREAS, the parcel is T 5N R 11W SEC 5 SEWARD MERIDIAN KN 0002970 ORIGINAL TOWNSITE OF KENAI LOT 3 BLK 20, also known as 905 Mission Avenue, Kenai, Alaska; and,

WHEREAS, the City of Kenai desires to retain the above-referenced tax-foreclosed property for public purposes, including bluff stabilization control measures; and,

WHEREAS, AS 29.45.460 requires that the City determine by ordinance whether a tax foreclosed property shall be retained for a public purpose and shall provide the former record owner, by certified mail, notice of the public hearing on that ordinance; and,

WHEREAS, the last record owner of the property as the name appears on the Kenai Peninsula Borough's assessment roll is Keith K. Knight, whose address is, General Delivery, Kenai, Alaska 99611; and,

WHEREAS, on _____ the Clerk sent a copy of the publicized notice of the hearing on this ordinance to the last record owner of the property as the name appears on the Borough assessment rolls by certified mail; and,

WHEREAS, after passage of an ordinance declaring the City's retention of tax foreclosed property for a public purpose, the right of the former record owner to repurchase the property ceases.

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

Section 1. Form: This is a non-code ordinance.

Section 2. T 5N R 11W SEC 5 SEWARD MERIDIAN KN 0002970 ORIGINAL TOWNSITE OF KENAI LOT 3 BLK 20, also known as 905 Mission Avenue, Kenai, Alaska, whose last record owner under Borough assessment records was Keith K. Knight, whose address is, General Delivery, Kenai, Alaska 99611; and, is hereby retained by the City of Kenai for a public purpose.

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 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15th day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Introduced: September 1, 2021
Enacted: September 15, 2021
Effective: October 15, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Ryan Foster, Planning Director

DATE: August 23, 2021

SUBJECT: **Ordinance 3242-2021 – Declaring that 905 Mission Avenue, also known as KPB# 04709303, shall be retained by the City of Kenai for a public purpose**

The purpose of this correspondence is to request that the City Council adopt the above referenced ordinance authorizing the City Manager to purchase property for a public purpose. The Kenai Peninsula Borough Land Management has prepared a preliminary list of foreclosed parcels to be disposed of in the Borough's 2021 Tax Foreclosure Auction. The City of Kenai has reviewed the list and submitted an application for requesting conveyance of 905 Mission Avenue (KPB# 04709303). Pursuant to AS 29.45.450 Deed to Borough or City; a city may request conveyance of tax foreclosed property when the city has an immediate need for that property. Property may be deeded to the city subject to taxes owed through judgment date, interest, and any out of pocket cost incurred by the KPB through the date of the actual payment. The current back taxes owed on this parcel is \$1,294.24. The City of Kenai has identified the subject parcel for the public purpose of bluff stabilization control measures.

Thank you for your consideration.

Attachment A: Application

Attachment B: Aerial Map



Land Management

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax

A Division of the Planning Department

Charlie Pierce
Borough Mayor

APPLICATION TO REQUEST CONVEYANCE OF REAL PROPERTY FORECLOSED FOR DELINQUENT PROPERTY TAX FOR A PUBLIC PURPOSE PURSUANT TO A.S. 29.45.450

Name of city requesting conveyance: City of Kenai

Attention to: CHRISTINE WNNINGHAM

Mailing Address: 210 FIDALGO AVE. City KENAI State AK Zip 99611

KPB Assessor Parcel ID No.: 04709303

Is parcel within city limits? Yes No

(Optional)
Proposed public purpose: BLUFF STABILIZATION CONTROL MEASURES

(Optional)
Explanation of public purpose that parcel is being requested for should include:
 - Reference to city code or other authority that supports the public purpose conveyance.
 - Specific and immediate use of parcel.
 - Attach additional pages or exhibits as needed.
AS 29.45.460, KMC 22.05.135
BLUFF STABILIZATION CONTROL MEASURES

Proposed method of payment: CHECK

Authorized City Official
PAUL OSTRANDER, CITY MANAGER Paul Ostrander
 Printed Name, Title Signature/Date

Invoice (Completed by KPB Finance Dept.)

Parcel ID NO. _____

Amount: _____

Recording Fee: _____

TOTAL DUE: _____

DUE DATE: _____, 2021




ORDINANCE 3242-2021
T 5N R 11W SEC 5 SEWARD MERIDIAN
KN 0002970 ORIGINAL TOWNSITE OF KENAI
LOT 3 BLK 20
905 Mission Avenue, KPB #04709303



MISSION AVE

LEGEND

 Subject Parcel

0 20 40 Feet

Date: 8/24/2021

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





Sponsored by: Vice Mayor Molloy

CITY OF KENAI

ORDINANCE NO. 3243-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE 14.20.150-CONDITIONAL USE PERMITS, TO CLARIFY ROLES AND RESPONSIBILITIES OF APPLICANTS, THE PLANNING DIRECTOR, AND THE PLANNING COMMISSION IN THE CONDITIONAL USE PROCESS AND MAKE HOUSEKEEPING CHANGES.

WHEREAS, Kenai Municipal Code 14.20.150 describes the process for application and review of conditional use permits; and,

WHEREAS, the conditional use permit process is intended to recognize that some uses that are not permitted by the Land Use Table in certain zones may be conditionally allowed if certain conditions are met; and,

WHEREAS, the amendments below clarify that the grant or denial of a conditional use permit is a discretionary act by the Commission and the applicant has the burden of proof to show that a conditional use permit should be granted; and,

WHEREAS, the amendments also require a pre-application meeting with the Planning Director or designee prior to submittal of an application for public hearing to assist the applicant in preparing for the public hearing and providing the Commission with relevant information to make a decision; and,

WHEREAS, the amendments require the applicant to be present or available during the public hearing to present information to the Commission about the application; and,

WHEREAS, the amendments require the Commission to make findings specific to the six criteria that must be met to approve a conditional use permit and provide that the Commission may consider all relevant information in making its decision; and,

WHEREAS, the amendments describe the role of the Planning Director or designee in providing a staff report during public hearings and that the recommendations of the Planner may be considered but are not accorded deference by the Commission; and,

WHEREAS, on _____ the Planning and Zoning Commission met and recommended the City Council _____ this Resolution.

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

Section 1. Amendment of Section of the Kenai Municipal Code 14.20.150: That Kenai Municipal Code, Section 14.20.150 – Conditional Use Permits, is hereby amended as follows:

14.20.150 Conditional [U]Use [P]Permits.

(a) *Intent.* It is recognized that there are some uses that may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the impact of the proposed use on surrounding property and the application of controls and safeguards to assure that the proposed use will be compatible with the surroundings. The Commission may permit this type of use if the conditions and requirements listed in this chapter are met. The [ALLOWED] conditional uses are listed in the Land Use Table. Before a conditional use permit may be granted, the procedures specified in this chapter must be followed. The grant, denial, modification, or revocation of a conditional use permit is discretionary.

(b) *Pre-Application Meeting.* Every conditional use permit applicant must contact the Planning Director for a pre-application meeting with the Planning Director or designee before the application is submitted to the Commission in order to ensure applications are complete and the applicant is familiar with the conditional use permit public hearing process. If an application is determined to be incomplete by the Planning Director, the application may be re-submitted to the Planning Director with changes or new information as many times as necessary, or the applicant may request a review with the City Manager whose determination shall be final. The review by the Planning Director is to determine that sufficient information is presented to allow the Commission a meaningful review, and has no bearing on whether an application should be granted or denied by the Commission.

([B]c) *Applications.* Applications for a conditional use permit shall be filed in writing with the Planning Department. The application shall include, but is not limited to, the following:

- (1) Name and address of the applicant and name and address of the property owner if not the applicant;
- (2) Verification by the owner of the property concerned if other than the applicant;
- (3) The street address and [A] a legal description of the property involved;
- (4) A description of the proposed use and how the use satisfies the review criteria;
- (5) Dimensioned plot plans showing the location of all existing and proposed buildings or alteration, conceptual drawing and such data as may be required; and
- (6) The appropriate fee as set forth in the City's schedule of fees adopted by the City Council.

The application and its plans shall be posted to the City’s website at time of publication of Commission packet.

([C]d) Public Hearing. If the application is in order, a public hearing shall be scheduled in accordance with the requirements of KMC [14.20.280](#). An applicant or representative of the applicant must be present in person or by remote device for the application to be considered at the public hearing.

([D]e) Review Criteria. Prior to granting a conditional use permit, it shall be established that the use satisfies all the following [CONDITIONS] criteria:

- (1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;
- (2) The economic and non-economic value of the adjoining property and neighborhood will not be significantly impaired;
- (3) The proposed use is in harmony with the Comprehensive Plan;
- (4) Public services and facilities are adequate to serve the proposed use;
- (5) The proposed use will not be harmful to the public safety, health or welfare; and
- (6) Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions [SHOULD BE MET BY THE APPLICANT]. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.

The Commission may approve, approve with conditions, or deny the application. The Commission must make specific findings in its decision addressing all six of the required criteria stated above. Any relevant evidence may be considered by the Commission in its decision.

(f) Burden of Proof. The applicant for a conditional use permit has the burden to show by substantial evidence that the six criteria above are satisfied. Substantial evidence is such relevant evidence a reasonable mind might accept as adequate to support a conclusion.

(g) Staff Report. The Planning Director or designee will provide a staff report on the application to the Commission at the public hearing. The staff report may contain any information deemed pertinent by the Planning Director or designee, and may include a recommendation and proposed findings on whether the requirements of this Chapter have been met and whether any additional specific conditions are recommended. The Commission may consider the recommendations of

the Planning Director or designee, but shall accord it no deference. The staff report does not relieve the applicant's burden of proof.

([E]h) *Issuance of the Permit.* Following approval by the Commission, the administrative official shall not issue the permit until the expiration of the fifteen (15) day appeal period contained in KMC [14.20.290](#). After approval by the Commission and before the issuance of the permit, the administrative official must determine that the applicant is current on all obligations (e.g., sales tax, property tax, lease payments, utility payments) to the City or has entered into an approved payment plan with the City on any obligations owed and the applicant is in compliance with the payment plan and (if the permit is for a use required to collect sales tax) must show a valid borough sales tax account. If a timely appeal is filed pursuant to KMC [14.20.290](#), the permit shall not be issued unless authorized by the Board of Adjustment.

([F]i) *Yearly Reports.* The permit holder shall submit a yearly report between October 1st and December 31st to the administrative official. Such report shall include a summary of the on-site activity.

([G]j) *Revocation for Noncompliance/Compliance Notices.* If the Commission determines, based on the yearly review or any other investigation undertaken by the official, that the conduct of the operation(s) is not in compliance with: (1) the terms and conditions of the permit; (2) the provisions of the Kenai Zoning Code; (3) or that the permit holder is not current on any obligations (e.g., sales tax, property tax, utility payments, lease payments) to the City unless the applicant has entered into an approved payment with the City on any obligations owed and the applicant is in compliance with the payment plan, the Commission may revoke the permit. The Commission shall not revoke the permit until the permit holder has been notified and given reasonable opportunity to correct the deficiency(s) or to provide information relating to or rebutting the alleged deficiency(s). Appeals from decisions under this section shall be made in accordance with the provisions of KMC [14.20.290](#). If the administrative official determines the permit holder is in compliance with the conditions in this subsection, it shall send a notice of compliance to the Commission and the permit holder.

([H]k) *Modification of Final Approval.*

(1) An approved conditional use permit may, upon application by the permittee, be modified by the Planning and Zoning Commission:

(a) When changed conditions cause the conditional use to no longer conform to the standards for its approval,

(b) To implement a different development plan conforming to the standards for its approval;

(2) The modification application shall be subject to a public hearing and the appropriate fee as set forth in the City's schedule of fees adopted by the City Council in order to help cover the costs of the public hearing notice.

~~([!])~~ *Expiration—Extensions—Transferability.*

(1) An approved conditional use permit lapses twelve (12) months after approval if no building permit is procured or if the allowed use is not initiated.

(2) A conditional use permit shall automatically expire if for any reason the conditioned use ceases for a period of one (1) year or longer.

(3) The Commission may grant time extensions to stay the lapse or the expiration of a permit for periods not to exceed one (1) year each upon a finding that circumstances have not changed sufficiently to warrant reconsideration of the approval of the conditional use permit or that good cause exists to grant the time extension. A permittee must request a time extension in writing, and submit any supporting materials, within ninety (90) days of the date of the administrative official's written notice to the permittee that either the permit has lapsed under subsection [\(1\)](#) or that the permit has expired under subsection [\(2\)](#) by a date certain. If the administrative official does not issue a written notice concerning lapse or expiration, the permittee may request a time extension at any time within two (2) years of the date the permit was issued or the use ceased, whichever is later. A permittee may be granted time extensions not to exceed a total of two (2) years from the date of the Commission's grant of the first time extension. The Commission may, but is not required to, hold a public hearing prior to issuing a decision under this subsection.

(4) A permittee who disputes the administrative official's determination that the conditioned use has not been timely initiated or has ceased for a period of one (1) year or longer may appeal the official's determination to the Board of Adjustment in accordance with KMC [14.20.290](#). If the permittee has requested a stay under subsection [\(3\)](#), above, the time for appeal of the administrative official's determination of lapse or expiration shall not run until such time as the Commission has made a final decision on the request for a stay.

(5) A conditional use permit is not transferable from one (1) parcel of land to another. Conditional use permits may be transferred from one (1) owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.

(6) Appeals from decisions of the Commission under this section shall be made in accordance with the provisions of KMC [14.20.290](#).

(J) A proposed conditional use permit shall not be considered if a substantially similar conditional use permit has been considered and denied within the nine (9) months immediately preceding.

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

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

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15 day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Introduced: September 1, 2021
Enacted: September 15, 2021
Effective: October 15, 2021



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

FROM: Vice-Mayor Bob Molloy

DATE: August 26, 2021

SUBJECT: Ordinance 3243-2021 – An ordinance amending KMC 14.20.150-Conditional Use Permits to clarify roles and responsibilities in the conditional use permit process and to make housekeeping changes

- Memo #1 - Introduction, Postponement and Referral

The Planning & Zoning Commission, the City Council, the Board of Adjustment, and public comments have identified issues in **KMC 14.20.150 Conditional use permits** that should be addressed regarding roles and responsibilities. **Ordinance 3243-2021** proposes to amend **KMC 14.20.150 Conditional use permits** to address some of these issues by clarifying the roles and responsibilities of applicants, the Planning Director, and the Planning and Zoning Commission in the conditional use permit process.

The sponsor verbally presented the highlights of the proposed amendments to the Planning & Zoning Commission during Additional Public Comment at the Commission's 8/25/21 meeting. The Commissioners were very interested in and asked pertinent questions during the discussion of the highlights of the proposed amendments. It's the sponsor's understanding that the Commission has no other item at present for its 9/08/21 meeting.

At introduction, a request will be made for Council to postpone this ordinance to and for a public hearing at the Council's 9/15/21 meeting, and to refer this ordinance to the Planning & Zoning Commission for a public hearing at its 9/08/21 meeting, and for the Commission to make recommendations. If the Commission requests more time, then on 9/15/18 Council could refer the ordinance again to the Commission for its 9/22/21 meeting, and postpone to Council's 10/6/21 meeting for public hearing. There is some time; it's the sponsor's understanding that this ordinance later would fall off of the Council's agenda if no vote is taken at Council's 10/21/21 meeting.

Council's support of introduction and this referral request is respectfully requested.



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

FROM: Vice-Mayor Bob Molloy

DATE: August 26, 2021

SUBJECT: Ordinance 3243-2021 – An ordinance amending KMC 14.20.150-Conditional Use Permits to clarify roles and responsibilities in the conditional use permit process and to make housekeeping changes

- Memo #2 - Supporting

The Planning & Zoning Commission, the City Council, the Board of Adjustment, and public comments have identified issues in **KMC 14.20.150 Conditional use permits** that should be addressed regarding roles and responsibilities. **Ordinance 3243-2021** addresses some of these issues.

Ordinance 3243-2021 proposes to amend **KMC 14.20.150 Conditional use permits** by clarifying the roles and responsibilities of applicants, the Planning Director, and the Planning and Zoning Commission in the conditional use permit process and to make some housekeeping changes. The proposed amendments include the following:

1. Add final sentence to paragraph **(a) Intent** to clarify and state that the Commission has discretion to grant, deny, modify or revoke a Conditional Use Permit (“CUP”).
2. Add a new paragraph **(b) Pre-application meeting** requiring the applicant to have a pre-application meeting with the Planning Director or designee. The purpose is to ensure the application is complete and the applicant is familiar with the conditional use permit public hearing process. The review by the Planning Director is to determine that sufficient information is presented with the application to allow the Planning Commission a meaningful review, and has no bearing on whether an application should be granted or denied by the Commission.
3. Make minor changes to the paragraph on **Applications** regarding the contents of the application, to be consistent with the online form for the application and the practice that there be some kind of conceptual drawings for landscape and site plans and the dimensional plot plans.
4. Add a sentence to the paragraph on **Applications** that the application and plans will be posted to the City’s website when the meeting packet is posted to the website. The City

Clerk and Administration would create a page to list public hearings coming up on applications with a link to the applications and plans.

5. Add to the paragraph on **Public Hearings** the requirement that the applicant or representative must be present in person or by remote electronic device to present the application and the applicant's case.
6. Clarify the second condition or criteria of the **Review Criteria** to provide that the value is the economic and non-economic value, so the second criteria is that the economic and non-economic value of the adjoining property and neighborhood will not be significantly impaired.
7. Add a paragraph to the **Review Criteria** which further clarifies the Commission's discretion to the effect that: The Commission may approve, approve with conditions, or deny the application. The Commission will make findings on the six criteria in its decision. Any other relevant evidence may be considered by the Commission in its decision.
8. Add a new paragraph on **Burden of Proof**, clarifying and stating that the applicant has the burden of proof to show that the six review conditions or criteria are satisfied.
9. Add a new paragraph on **Staff report**, clarifying and stating that the Planning Director or designee will provide a staff report. The staff may include a recommendation and proposed findings on whether the requirements of this Code have been satisfied and whether any additional specific conditions are recommended. The Commission may consider the recommendations of the Planning Director or designee, but does not have to defer to the staff's recommendation. The staff report does not relieve the applicant from the applicant's burden of proof.

Council's consideration and support of Ordinance 3243-2021 is respectfully requested.





Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 3245-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AUTHORIZING A BUDGET TRANSFER AND INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE CONGREGATE HOUSING FUND FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT TO PROVIDE VINTAGE POINTE RESIDENTS BASIC TELEVISION AND WIRELESS INTERNET SERVICE.

WHEREAS, pursuant to the Vintage Pointe Manor Tenant Lease Agreement, the City provides a basic cable television package to its tenants to be determined at the City's sole discretion; and

WHEREAS, GCI, Inc., the current cable television provider has announced it will be discontinuing bulk cable television services in September 2021; and,

WHEREAS, after considerable investigation and with no other cable television options, the best solution is to provide basic television channels and internet services to tenants in lieu of basic cable television; and,

WHEREAS, continued television services, along with internet service, are 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 the following transfer is authorized:

| | |
|-----------------------------|----------------|
| Congregate Housing Fund: | |
| Decrease Appropriations – | |
| Utilities | <u>\$7,071</u> |
| | |
| Increase Appropriations – | |
| Small Tools/Minor Equipment | <u>\$7,071</u> |

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

| | |
|------------------------------------|-----------------|
| Congregate Housing Fund: | |
| Increase Estimated Revenues – | |
| Appropriation of Retained Earnings | <u>\$11,329</u> |
| | |
| Increase Appropriations – | |
| Small Tools/Minor Equipment | \$ 2,629 |
| Repair & Maintenance | <u>8,700</u> |
| | <u>\$11,329</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 15th day of September, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Approved by Finance: 

Introduced: September 1, 2021
Enacted: September 15, 2021
Effective: September 15, 2021



KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

THROUGH: Paul Ostrander, City Manager

FROM: Kathy Romain, Senior Center Director

DATE: August 26, 2021

SUBJECT: Ordinance No. 3245-2021 – Congregate Housing Cable Television

Section 6A of the Vintage Pointe Manor Tenant Lease Agreement states:

City shall provide heat, water, sewer, and garbage services for the Premises. City shall also provide a basic cable television package (to be determined at the City’s sole discretion) to Tenant.

GCI, Inc. announced earlier this year it would be discontinuing its cable service and replacing it with an online streaming service (Yukon TV). This would also require hookup to *its* internet service at a significant cost increase to the City. Initially, we had been given to the end of the year, but earlier this month we were told cable television to its bulk contracted services would expire sometime in September. To this date, we have not been able to get a confirmed day this service would end.

Our current cost is approximately \$8,650 per year to provide cable television to 40 apartments and 1 commons area. Each tenant receives a cable receiver and has the option to purchase additional equipment or channels at their own expense. This does not include internet services.

During recent months we have researched different options for a basic television service comparable to what we currently receive. The options to provide something similar to cable would require a dish or satellite service with a locked in 5-year agreement and a big cost increase. As quickly as technology is changing, we believe the equipment would be outdated before the life of the contract ends.

Terry Eubank and Dan Castimore explored an additional option and found we could provide our tenants 18 channels of free television (out of Anchorage) along with internet services for just equipment costs to our building. This would also help ease tenants into the next stages of television viewing without increasing their rent. The ability to provide internet services to tenants would also allow them to stream any desired channels without paying for channels in which they have no interest. Administration estimates that the total cost for installation of this option would total \$18,400, of which \$9,700 is for materials and \$8,700 is for labor. If necessary, updated installation costs and an amendment to this ordinance will be provided at the September 15Th

Council meeting. The annual recurring cost, comprised of licensing fees and equipment replacement on a 7-year cycle, would be approximately \$2,000

This option solves many of the difficulties and increased costs associated with losing the cable service through GCI, Inc. After months of discussion and research, I believe this is in the best interest of our tenants. There will be some education and a learning period as tenants adjust to new technology. The Senior Center staff will be prepared and provide such trainings.

I respectfully request consideration of Ordinance 3245-2021.

Thank you.





MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Paul Ostrander, City Manager

FROM: Kathy Romain, Senior Center Director

DATE: August 24, 2021

SUBJECT: **Council on Aging Request for Meeting Time Change**

At the August 12, 2021 Council on Aging (COA) meeting, the members voted to request a time change from 4:30 pm to 3:00 pm for its monthly meetings. The reasons for this proposed change are as follows:

- Winter daylight hours driving to and from the meetings.
- As the Center is open on Thursdays until 10:00 pm, the current meeting time often overlaps with other activities using the same space.
- Some of the COA members are already at the Center and would stay for the meeting instead of returning home or waiting for the later time.
- Senior Center staff would be working within their normal business hours.

Your consideration for this request is greatly appreciated.

Thank you.

**KENAI HARBOR COMMISSION
SPECIAL MEETING
AUGUST 23, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
COMMISSION CHAIR DUNN, PRESIDING**

MEETING SUMMARY

1. CALL TO ORDER

Commissioner Chair Dunn called the meeting to order at approximately 6:00 p.m.

a. Pledge of Allegiance

Commissioner Chair Dunn led those assembled in the Pledge of Allegiance.

b. Roll Call

Roll was confirmed as follows:

Commissioners present: Chair M. Dunn, B. Peters, C. Hutchison, D. Peck, N. Berga, B. Bornemann

Commissioners absent:

Staff/Council Liaison present: Public Works Director S. Curtin, Public Works Assistant L. List, Council Liaison B. Molloy

A quorum was present.

c. Agenda Approval

MOTION:

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

2. UNSCHEDULED PUBLIC COMMENT – None.

3. NEW BUSINESS

a. Discussion/Recommendation – Kenai Waterfront Revitalization Feasibility Study

MOTION:

Commissioner Peck **MOVED** to recommend approval of Ordinance No. 3237-2021 for increasing estimated revenues and appropriations in the General Fund – Land Administration Department to provide funding for a Kenai waterfront revitalization feasibility study. Commissioner Bornemann **SECONDED** the motion.

Council Liaison Molloy explained the scope of the project and the need for a feasibility study, noting

that a specific consulting firm has not been selected at this time.

Public Works Director Curtin addressed the question of how the Bluff Erosion Project will tie into this issue, explaining that the possibility has been discussed but there are no specific plans at this time. Clarification was provided that this is considered one feasibility study with several phases that are scheduled to be complete in March of 2022, as per the timeline in the meeting packet.

Concerns were mentioned regarding tax incentives being too generous and the potential effect they could have on the community. The commission expressed support for this project, noting that development would be good.

VOTE:

YEA: Dunn, Bornemann, Hutchison, Peck, Peters, Berga

NAY:

MOTION PASSED UNANIMOUSLY.

4. NEXT MEETING ATTENDANCE NOTIFICATION – September 13, 2021

Commissioners Hutchison and Bornemann noted that they would not be in attendance.

5. COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Bornemann noted that supports the project but he is leery of tax incentives.

Commissioner Hutchison stated that this is the first step in the process, and she is in favor of the study.

Commissioner Peck noted he is concerned for possible tax increases that could occur, but overall thinks that this is just the first step in seeing what the possibilities are and we will see where we can go from there.

Commissioner Vice Chair Berga noted that he is in support for the study, but has mixed feelings about the next steps and would like to see a firm with coastal community experience.

Commissioner Peters expressed support for the study.

Chair Dunn noted that tax incentives are a concern, but supports the study.

6. ADDITIONAL PUBLIC COMMENT – None.

7. ADJOURNMENT

MOTION:

Member Peters **MOVED** for adjournment and Chair Dunn **SECONDED** the motion. There were no objections.

VOTE: There were no objections. **SO ORDERED.**

There being no further business before the Commission, the meeting was adjourned at approximately 6:39 p.m.

Meeting summary prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT

KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 11, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING

MINUTES

A. CALL TO ORDER

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

1. **Pledge of Allegiance**

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

2. **Roll Call**

Commissioners present: J. Twait, J. Halstead, A. Douthit, D. Fikes, G. Woodard, G. Greenberg

Commissioners absent: R. Springer

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

3. **Agenda Approval**

MOTION:

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

4. **Consent Agenda**

MOTION:

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

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

5. *Excused absences – R. Springer

B. APPROVAL OF MINUTES

1. *Regular Meeting of July 28, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.**D. UNSCHEDULED PUBLIC COMMENT – None.****E. CONSIDERATION OF PLATS**

1. **Resolution No. PZ2021-31** - Preliminary Subdivision Plat of Townsite of Kenai Kenaitze Courthouse Replat, submitted by Edge Survey and Design, LLC, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenaitze Indian Tribe, 150 N. Willow St. Suite 33, Kenai, AK 99611

MOTION:

Commissioner Douthit **MOVED** to approve Resolution No. PZ2021-31 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the property owners, Kenaitze Indian Tribe, will be expanding on the tribal court building and the proposed expansion will not currently meet the setback requirement of the Townsite Historic District; therefore, it is proposed to remove the property lines between the properties so that the setback requirements can be met. The proposed expansion of the tribal court building will result in an encroachment onto a ten-foot utility easement, and the applicant wishes to vacate the portion of a ten-foot utility easement as delineated on the preliminary plat.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the portion of ten-foot utility easement to be vacated is not needed for a public purpose and approve the vacation of the utility easement as shown on the preliminary plat.
3. Prior to issuance of a building permit, a Landscape/Site plan must be submitted to the City of Kenai for review and approval.

Clarification was provided on where the building expansion will be in correlation with the setback, and it was noted that there may be inaccuracies with the Geographic Information System (GIS) mapping.

Don Ohler, Construction Director with the Kenaitze Indian Tribe, clarified details about the preliminary plat including structure relocation and parking lot expansion.

VOTE:

YEA: Halstead, Douthit, Greenberg, Woodard, Twait, Fikes

NAY:

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

- 1. **Action/Approval** - A Resolution Of The Council Of The City Of Kenai, Alaska Approving The Development Incentives Per Kenai Municipal Code 21.10.100. For A Lease Of Airport Reserve Lands Between The City Of Kenai And Schilling Rentals, Llc On General Aviation Apron Sub No. 1 Amended Lot 2 Block 3

MOTION:

Commissioner Woodard **MOVED** to recommend approval of Resolution No. 2021-55 to Council for approving the development incentives per Kenai Municipal Code 21.10.100 for a Lease of Airport reserve lands between the City of Kenai and Schilling Rentals, LLC on General Aviation Apron Sub No. 1 Amended Lot 2 Block 3. Vice Chair Fikes **SECONDED** the motion.

Planning Director Foster noted that City Council Resolution No. 2021-55 would approve development incentives for an existing lease to Schilling Rentals. The lessee intends to do an estimated \$230,000 worth of improvements to the property, such as unclassified and classified excavation. After Council approval, there are further steps that lessee would go through to receive development credits such as providing an estimate of the value of the work including a scope of work, and certification from a qualified engineer. Once these have been reviewed and accepted by the City, that credit could be applied towards rent for a maximum of 5 years.

It was noted that dirt work was taking place, and this application is just for development credits for an engineer-estimated scope of work from July. Chair Twait disclosed that he is a contractor working at this site and explained that the lessee is extending the hangar, but because that is separate from this development credit application he did not see a conflict of interest. Discussion included previous construction that had been done in the area.

VOTE:

YEA: Douthit, Fikes, Greenberg, Woodard, Twait, Halstead
NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

- 1. **City Council** – Council Member Glendening reported on the actions from the August 4, 2021 City Council meeting.

- 2. **Borough Planning** – Vice Chair Fikes reported on the actions from the August 9th Planning Commission Meeting, and noted August 14th Kenai Peninsula Borough land auction.
- 3. **City Administration** – Planning Director Foster reported on the following:
 - There was a City Council Work Session on August 4, 2021 to discuss waterfront revitalization and economic development incentives. The next Planning & Zoning Commission meeting on August 25, 2021 will include a recommendation to Council on a feasibility study for waterfront revitalization.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

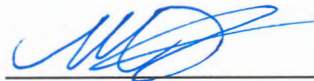
- 1. August 25, 2021

N. **COMMISSION COMMENTS & QUESTIONS** – None.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:43 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk





Sponsored by: Vice Mayor Molloy and City Clerk

CITY OF KENAI

ORDINANCE NO. 3224-2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, REPEALING AND REENACTING KENAI MUNICIPAL CODE TITLE 6 - ELECTIONS, TO PROVIDE CLARITY, HOUSEKEEPING, AND PROCESS IMPROVEMENTS.

WHEREAS, Alaska Statute 29.26.010 provides that local governing bodies may establish their own procedures governing local elections; and,

WHEREAS, the City has traditionally collaborated with the Kenai Peninsula Borough (KPB) on the administration of the annual regular municipal elections resulting in efficiencies to the local election process; and,

WHEREAS, at their April 20, 2021 meeting the KPB Assembly authorized the Borough Clerk to purchase new election equipment to be used for local elections removing the need for the use of state equipment in local elections; and,

WHEREAS, at the July 7, 2021 meeting the City Council authorized the City Manager to enter into a Memorandum of Agreement for intergovernmental administration of KPB and City Municipal Elections; and,

WHEREAS, Kenai Municipal Code (KMC) currently references state election statutes in Title 15 for many of its election procedures which is no longer a best practice as state election equipment will no longer be used; and,

WHEREAS, it is in the best interest of the City to provide for procedures in its elections that are established locally, with local public process, and align with those of KPB; and,

WHEREAS, additionally, much of the election process is located in one chapter of Kenai Municipal Code (KMC) and this ordinance seeks to subdivide the chapter into several chapters of like topics.

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

Section 1. Repealing and Re-enacting Title 6 of the Kenai Municipal Code: That Kenai Municipal Code, Title 6 - Elections is hereby repealed and re-enacted as follows:

[CHAPTER 6.05
VOTING QUALIFICATIONS AND PROCEDURES

SECTIONS:

- 6.05.010 QUALIFICATIONS FOR VOTERS.
- 6.05.020 REGISTRATION.
- 6.05.030 PRECINCT AND POLLING PLACE.
- 6.05.040 PRECINCT BOARD.
- 6.05.050 COMPENSATION OF ELECTION PERSONNEL.
- 6.05.060 WATCHERS.
- 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.
- 6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.
- 6.05.090 BALLOT BOXES, VOTING BOOTHS.
- 6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.
- 6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.
- 6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.
- 6.05.130 TIE VOTES.
- 6.05.140 ABSENTEE VOTING.
- 6.05.145 ABSENTEE VOTING IN PERSON.
- 6.05.150 ABSENTEE VOTING—APPLICATION.
- 6.05.160 ABSENTEE VOTING—BALLOTS.
- 6.05.170 ABSENTEE VOTING—BY MAIL.
- 6.05.180 VOTING—AUTHORIZED.
- 6.05.190 VOTING—BOARDS.
- 6.05.200 VOTING DEVICES AND MACHINES.
- 6.05.210 VOTING—TESTS AND SECURITY.
- 6.05.220 RECOUNT OF VOTES—APPLICATION.
- 6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.
- 6.05.240 ELECTION CONTESTS.
- 6.05.250 RULES AND REGULATIONS.
- 6.05.260 CITY ELECTION TIME.
- 6.05.270 OFFENSES AND PENALTIES.
- 6.05.280 RECORD RETENTION.
- 6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.
- 6.05.310 CASTING BALLOTS.
- 6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.
- 6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.
- 6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.
- 6.05.340 STORING BALLOTS.

6.05.010 QUALIFICATIONS FOR VOTERS.
 PERSONS WHO HAVE THE QUALIFICATIONS FOR VOTERS PRESCRIBED BY THE CITY CHARTER, SECTION 10-6, THE STATE CONSTITUTION, ARTICLE V, SECTIONS 1 AND 2, AND STATE LAW, SHALL BE QUALIFIED TO VOTE IN CITY ELECTIONS IF THEY ARE REGISTERED AS PROVIDED IN THIS TITLE. (KC 6-1)

6.05.020 REGISTRATION.

(A) THE ELECTION JUDGES SHALL KEEP AN ORIGINAL REGISTER ON WHICH EACH VOTER SHALL, BEFORE RECEIVING A BALLOT, SIGN THE VOTER'S NAME AND EITHER COMPLETE OR CORRECT BOTH THE VOTER'S RESIDENCE AND MAILING ADDRESSES. A RECORD SHALL BE KEPT ON THE REGISTER OF THE NAME OF EACH PERSON WHO OFFERED TO VOTE, BUT WAS REFUSED, AND A BRIEF STATEMENT OF THE BASIS OF THE REFUSAL. THE SIGNING OF THE REGISTER CONSTITUTES A DECLARATION BY THE VOTER THAT THE VOTER IS QUALIFIED TO VOTE.

(B) VOTERS MAY BE IDENTIFIED FROM SUCH REASONABLE SOURCES AS STATE VOTER REGISTRATION LISTS, BEING KNOWN TO THE ELECTION JUDGES AS RESIDENTS OF THE CITY OF KENAI, OR BY SUCH OTHER IDENTIFICATION AS IS ACCEPTED CUSTOMARILY FOR SCHEMES OF "PRE-REGISTRATION" QUALIFICATIONS.

(C) REGISTERS SIGNED BY VOTERS ON ELECTION DAY SHALL BE KEPT WITH THE RECORDS OF THAT ELECTION.

(D) AS USED IN THIS TITLE, "REGISTER" SHALL MEAN THE COMPUTER PRINTOUT ENTITLED "STATE OF ALASKA PRECINCT REGISTER" (OR ANY FORM SUBSEQUENTLY SUBSTITUTED THEREFOR) SUPPLIED BY THE DIVISION OF ELECTIONS OF THE STATE OF ALASKA FOR USE IN EACH PRECINCT.

(KC 6-9; ORDS. 193, 803)

6.05.030 PRECINCT AND POLLING PLACE.

(A) THE CITY OF KENAI SHALL BE COMPOSED OF SUCH ELECTION PRECINCTS AS MAY BE SET UP OR MODIFIED BY THE DIRECTOR OF ELECTIONS OF THE STATE OF ALASKA FOR ALL CITY ELECTIONS, BOTH REGULAR AND SPECIAL. THE POLLING PLACES WILL BE AS DESIGNATED BY THE STATE OF ALASKA, DIVISION OF ELECTIONS.

(B) CHANGES OF THE POLLING PLACES MAY BE ACCOMPLISHED BY THE COUNCIL BY MOTION, RESOLUTION, OR ORDINANCE.

(KC 6-12,13; ORDS. 159, 803, 1182)

6.05.040 PRECINCT BOARD.

(A) THERE SHALL BE ELECTION BOARDS FOR THE PRECINCTS IN THE CITY COMPOSED OF THREE (3) OR MORE JUDGES APPOINTED BY THE CITY COUNCIL. THE JUDGES SHALL BE QUALIFIED VOTERS OF THE CITY. THE CITY COUNCIL MAY DESIGNATE ONE OF THE JUDGES CHAIR OF THE BOARD, AND THE CHAIR SHALL BE PRIMARILY RESPONSIBLE FOR THE ADMINISTRATION OF THE ELECTION IN THE PRECINCT. THE CITY COUNCIL MAY ALSO APPOINT FROM AMONG THE QUALIFIED VOTERS OF THE CITY ONE (1) OR TWO (2) CLERKS WHERE IT DEEMS THEIR SERVICES ARE NECESSARY. THE CITY CLERK, AS THE ELECTION SUPERVISOR, MAY APPOINT NOT MORE THAN FOUR (4) ELECTION CLERKS FROM AMONG THE QUALIFIED VOTERS OF THE CITY AT ANY POLLING PLACE WHERE THEY ARE NEEDED TO CONDUCT AN ORDERLY ELECTION AND TO RELIEVE THE ELECTION JUDGES OF UNDUE HARDSHIP IF HE OR SHE THINKS THEY ARE NEEDED AND IF THE CITY COUNCIL AUTHORIZES IT.

(B) ALL CITY ELECTION PERSONNEL SHALL BE APPOINTED WITHOUT REGARD TO THEIR MEMBERSHIP IN ANY POLITICAL PARTY.

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(C) ALL ELECTION JUDGES AND CLERKS, BEFORE ENTERING UPON THEIR DUTIES, MUST SUBSCRIBE TO THE OATH REQUIRED OF ALL PUBLIC OFFICERS BY THE CONSTITUTION OF THE STATE OF ALASKA IN THE MANNER PRESCRIBED BY THE CLERK. IF ANY APPOINTED ELECTION OFFICIAL IS NOT ABLE OR REFUSES TO SERVE ON ELECTION DAY, THE CLERK MAY APPOINT A REPLACEMENT FOR THAT OFFICIAL.

(D) CANDIDATES SHALL NOT SERVE AS ELECTION OFFICIALS. CERTAIN FAMILIAL RELATIONSHIPS MAY NOT EXIST BETWEEN A CANDIDATE AND A PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF A BALLOT COUNTING TEAM IN REGULAR OR SPECIAL ELECTIONS. THOSE FAMILIAL RELATIONSHIPS ARE:

- (1) MOTHER, MOTHER-IN-LAW, STEPMOTHER;
- (2) FATHER, FATHER-IN-LAW, STEPFATHER;
- (3) SISTER, SISTER-IN-LAW, STEPSISTER;
- (4) BROTHER, BROTHER-IN-LAW, STEPBROTHER;
- (5) SPOUSE; OR
- (6) PERSON SHARING THE SAME LIVING QUARTERS.

(E) IF THE ELECTION SUPERVISOR KNOWS OR LEARNS ANY OF THESE RELATIONSHIPS EXIST, THE PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF THE BALLOT COUNTING TEAM SHALL BE NOTIFIED AND THE PERSON REPLACED.

(KC 6-12,13; ORDS. 159, 2108-2005)

6.05.050 COMPENSATION OF ELECTION PERSONNEL.

(A) THE CITY SHALL PAY ALL NECESSARY EXPENSES RELATING TO THE CONDUCT OF EACH CITY ELECTION, INCLUDING THOSE OF SECURITY POLLING PLACES, AND SHALL PROVIDE BALLOT BOXES, BALLOTS, VOTING BOOTHS OR SCREENS, NATIONAL FLAGS, AND OTHER SUPPLIES AND ANY WAGES TO ELECTION OFFICIALS UNLESS OTHERWISE PROVIDED BY THIS CODE.

(B) THE CITY SHALL PAY EACH ELECTION BOARD MEMBER AND CANVASS BOARD MEMBER AN HOURLY RATE FOR TIME SPENT AT HIS OR HER ELECTION DUTIES, INCLUDING THE RECEIVING OF INSTRUCTIONS AND POSTING OF NOTICES. THE ELECTION SUPERVISOR SHALL SET THE HOURLY COMPENSATION TO BE PAID FOR TIME SPENT BY ELECTION OFFICIALS AT A RATE COMPARABLE TO THAT PAID BY THE STATE FOR STATE ELECTIONS. THE CLERK SHALL RETAIN A RECORD FOR AUDITING AND PAYMENT OF ELECTION EXPENSES, INCLUDING THE COST OF GIVING NOTICE, RENTING POLLING PLACES, PAYING ELECTION OFFICIALS, SECURITY BALLOT BOXES, BOOTHS AND OTHER ELECTION NECESSITIES.

(KC 6-14; ORD. 2108-2005)

6.05.060 WATCHERS.

ANY CANDIDATE FOR ELECTIVE CITY OFFICE MAY APPOINT A WATCHER FOR THE PRECINCT. STATE LAW RELATING TO WATCHERS IN STATE ELECTIONS SHALL GOVERN WATCHERS IN CITY ELECTIONS INSOFAR AS IT IS APPLICABLE. (KC 6-15)

6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.

THE CITY CLERK, UNDER DIRECTION OF THE CITY COUNCIL AND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, IS THE ELECTION SUPERVISOR FOR AND SHALL ADMINISTER ALL CITY ELECTIONS. (KC 6-16; ORD. 2108-2005)

6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.

(A) THE CITY CLERK SHALL PREPARE AND FURNISH ALL OFFICIAL BALLOTS IN CITY ELECTIONS. THE PROVISIONS OF STATE LAW RELATING TO THE PREPARATION AND FURNISHING OF BALLOTS IN STATE ELECTIONS SHALL GOVERN THE PREPARATION AND FURNISHING OF BALLOTS IN CITY ELECTIONS INsofar AS THEY ARE APPLICABLE AND ARE NOT IN CONFLICT WITH THE CITY CHARTER OR ORDINANCE; AND THE CITY CLERK SHALL PERFORM THE FUNCTIONS IN REGARD THERETO PRESCRIBED BY LAW FOR THE DIRECTOR OF ELECTIONS IN REGARD THERETO IN STATE ELECTIONS INsofar AS IT IS APPROPRIATE.

(B) AT THE TIME OF PREPARING, THE BALLOTS MAY BE INSPECTED BY ANY CANDIDATE WHOSE NAME IS ON THE BALLOT, OR BY HIS OR HER AUTHORIZED AGENT, AND ANY DISCOVERED MISTAKE SHALL BE CORRECTED IMMEDIATELY.

(C) THE CITY CLERK SHALL PROVIDE TINTED SAMPLE BALLOTS, OATHS OF OFFICE OF JUDGES, QUESTIONED OATHS, TALLY SHEETS WHEN REQUIRED, INSTRUCTIONS TO VOTERS, WARNING NOTICES, AND OTHER FORMS AND SUPPLIES REQUIRED FOR CITY ELECTIONS; AND HE OR SHE SHALL GIVE THE DUPLICATE REGISTRATION INDEX AND AN ADEQUATE SUPPLY OF OFFICIAL BALLOTS, SAMPLE BALLOTS, AND ALL OTHER NECESSARY SUPPLIES AND MATERIALS TO THE CHAIRS OF THE PRECINCT ELECTION BOARDS IN ADEQUATE TIME BEFORE A CITY ELECTION.

(KC 6-17; ORDS. 803, 941, 1652-95, 2108-2005)

6.05.090 BALLOT BOXES, VOTING BOOTHS.

THE CITY CLERK SHALL PROVIDE SUITABLE BALLOT BOXES AND AN ADEQUATE NUMBER OF VOTING BOOTHS OR SCREENS. REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS, RELATING TO POLLING PLACES, BALLOT BOXES, VOTING BOOTHS, SCREENS, FLAGS, AND SUPPLIES FOR STATE ELECTIONS, SHALL GOVERN THESE MATTERS IN RELATION TO CITY ELECTIONS INsofar AS THEY ARE APPLICABLE AND ARE NOT SUPERSEDED BY ORDINANCE. (KC 6-18; ORD. 803)

6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.

(A) AT LEAST TEN (10) DAYS BEFORE EVERY CITY ELECTION, REGULAR OR SPECIAL, THE CITY CLERK SHALL CAUSE TO BE PUBLISHED BY POSTING ON THE OFFICIAL CITY BULLETIN BOARD IN OR ON THE CITY ADMINISTRATION BUILDING AND IN TWO (2) OTHER PLACES IN THE CITY, OR IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY, A NOTICE OF SUCH ELECTION. THE NOTICE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

- (1) THE DATE OF THE ELECTION;
- (2) TIME DURING WHICH THE POLLING PLACE WILL BE OPEN;
- (3) THE LOCATION OF THE POLLING PLACE;
- (4) OFFICES TO WHICH CANDIDATES ARE TO BE ELECTED (IF ANY);
- (5) AND THE SUBJECTS OF THE PROPOSITIONS AND QUESTIONS WHICH ARE TO BE SUBMITTED TO THE VOTERS AT THE ELECTION (IF ANY).

(B) FAILURE TO PUBLISH SUCH A NOTICE OF AN ELECTION SHALL NOT AFFECT THE VALIDITY OF THE ELECTION OR OF THE VOTE FOR ANY CANDIDATE OR ON ANY PROPOSAL; BUT, IF CAUSED BY THE CITY CLERK, SHALL CONSTITUTE FAILURE TO PERFORM HIS OR HER OFFICIAL DUTIES.

(C) IN ADDITION TO THE ABOVE NOTICE, THE CITY CLERK SHALL PUBLISH IN FULL EVERY CHARTER AMENDMENT, EVERY ORDINANCE, AND EVERY OTHER QUESTION WHICH IS TO BE SUBMITTED AT AN ELECTION, EXCEPT A REFERRED ORDINANCE WHICH WAS PUBLISHED IN FULL AFTER PASSAGE, NOT MORE THAN FOUR (4) WEEKS AND AT LEAST TWO (2) WEEKS BEFORE THE ELECTION IN ACCORDANCE WITH THE CITY CHARTER, SECTIONS 1-7(4) AND 10-8.

(KC 6-19)

6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.

ALASKA STATUTES, CHAPTERS 15.15 THROUGH 15.20 AND ANY AMENDMENTS THERETO, SHALL APPLY TO THE CITY ELECTIONS INsofar AS THEY DO NOT CONFLICT WITH SPECIFIC CITY ORDINANCES. THE PRECINCT ELECTION BOARDS SHALL DELIVER TO THE CITY CLERK ONE (1) COPY OF THE CERTIFICATE WITH THE RESULTS OF THE VOTE IN THE PRECINCT, THE REGISTERS SIGNED BY PERSONS VOTING, ALL BALLOTS CAST, ALL BALLOTS IMPROPERLY MARKED, DAMAGED OR UNLAWFULLY EXHIBITED, AND ALL OATHS, AFFIRMATIONS AND AFFIDAVITS TO THE COUNCIL AS PROVIDED BY KMC 6.05.130. THE CHAIR OF EACH PRECINCT ELECTION BOARD SHALL RETAIN POSSESSION OF A DUPLICATE COPY OF THE RESULTS, WHICH COPY MAY BE DESTROYED BY EACH CHAIR TWENTY (20) DAYS AFTER THE ELECTION UNLESS THE CITY CLERK OR THE CITY COUNCIL REQUESTS ITS DELIVERY. (ORDS. 193, 803, 881, 1788-98, 2556-2011)

6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.

(A) PURSUANT TO THE PROVISIONS OF SECTION 10-9 OF THE CHARTER OF THE CITY OF KENAI, THERE IS HEREBY ESTABLISHED A CANVASSING BOARD FOR THE CANVASSING OF ALL CITY ELECTIONS; REGULAR AND SPECIAL, AND TO ASCERTAIN AND DECLARE THE RESULTS THEREOF, AS FOLLOWS:

(1) THE CITY CLERK IS HEREBY DESIGNATED AS THE CHAIR OF THE CANVASSING BOARD.

(2) THE CANVASSING BOARD SHALL CONSIST OF THE CITY CLERK, CHAIR OF EACH PRECINCT ELECTION BOARD WITHIN THE CITY, AND UP TO FIVE (5) ADDITIONAL JUDGES SELECTED FROM AMONG THE QUALIFIED VOTERS OF THE CITY. IN THE EVENT ANY SUCH APPOINTED MEMBER OF THE BOARD IS ABSENT FROM THE CITY, ILL, OR OTHERWISE UNABLE TO ATTEND AT THE TIME SET FOR CANVASSING THE BALLOT, THE CITY CLERK IS HEREBY AUTHORIZED TO APPOINT ANOTHER ELECTION JUDGE FROM THE SAME PRECINCT TO SUBSTITUTE FOR THE APPOINTED MEMBER.

(B) THE CANVASSING BOARD SHALL MEET IN PUBLIC SESSION ON THE TUESDAY FOLLOWING EVERY CITY ELECTION, REGULAR OR SPECIAL, AT 8:30 A.M. AND, IF NECESSARY, CONTINUE THROUGH THE FOLLOWING DAY AND SHALL PROMPTLY PROCEED TO CANVASS THE RETURNS OF SAID ELECTION, MAKING DECISIONS AS TO VALIDITY OF QUESTIONED BALLOTS, COUNTING ABSENTEE BALLOTS, AND ASCERTAINING AND DECLARING THE RESULTS OF SAID ELECTION. THE CANVASS OF THE BALLOT VOTE COUNTED BY THE PRECINCT ELECTION BOARDS SHALL BE ACCOMPLISHED BY REVIEWING THE TALLIES OF THE RECORDED VOTE TO CHECK FOR MATHEMATICAL ERROR BY COMPARING TOTALS WITH THE PRECINCT'S CERTIFICATE OF RESULTS. ALL OBVIOUS ERRORS FOUND BY THE ELECTION CANVASS IN THE TRANSFER OF TOTALS FROM THE PRECINCT TALLY SHEETS TO THE

PRECINCT CERTIFICATE OF RESULTS SHALL BE CORRECTED BY THE CANVASSING BOARD. A MISTAKE THAT HAS BEEN MADE IN PRECINCT RETURNS, AND THAT IS NOT CLEARLY AN ERROR IN THE TRANSFER OF THE RESULTS FROM THE TALLIES TO THE CERTIFICATE OF RESULTS, EMPOWERS THE CANVASSING BOARD TO RECOMMEND A RECOUNT OF THE RESULTS OF THE PRECINCT OR PRECINCTS FOR THAT PORTION OF THE RETURNS IN QUESTION.

(C) IN ORDER TO BE COUNTED, ABSENTEE BALLOTS THAT ARE MAILED MUST BE MAILED ON OR BEFORE THE DATE OF THE ELECTION, AND IF THE ENVELOPE CONTAINING THE BALLOT IS POSTMARKED, THE POST MARK DATE MUST BE ON OR BEFORE THE DATE OF ELECTION, AND SAID BALLOT MUST BE RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED BY UNITED STATES POSTAL SERVICE WITHOUT A POSTMARK SHALL BE COUNTED, PROVIDED THE BALLOT ENVELOPE MEETS ALL OTHER REQUIREMENTS (SIGNATURES, REGISTRATION, ETC.) AND THE RECEIPT BY THE CITY INDICATES THE BALLOT WAS MAILED ON OR BEFORE THE DATE OF THE ELECTION AND THE BALLOT WAS RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION.

(D) THE CITY CLERK, AS CHAIR OF THE CANVASSING BOARD, SHALL REPORT THE RESULTS OF THE ELECTION TO THE CITY COUNCIL AS THE FIRST ORDER OF BUSINESS FOLLOWING THE ROLL CALL AT THE NEXT REGULAR COUNCIL MEETING FOLLOWING THE MEETING OF THE CANVASSING BOARD.

(KC 6-12; ORDS. 707, 1652-95, 2108-2005, 2488-2010, 2556-2011)

6.05.130 TIE VOTES.

IN CASE OF FAILURE TO ELECT BECAUSE OF A TIE VOTE, THE COUNCIL SHALL IMMEDIATELY PROCEED TO RECOUNT THE VOTES. IF THERE IS STILL A FAILURE TO ELECT BECAUSE OF A TIE AFTER COMPLETION OF THE RECOUNT, THE ELECTION SHALL BE DETERMINED FAIRLY BY LOT FROM AMONG THE CANDIDATES TYING, IN A MEETING OF THE COUNCIL AND UNDER ITS DIRECTION, IN ACCORDANCE WITH THE CITY CHARTER, SECTION 10-4. (KC 6-22)

6.05.140 ABSENTEE VOTING.

ANY QUALIFIED VOTER WHO MAY SECURE AND CAST AN ABSENTEE BALLOT IN A STATE ELECTION MAY SECURE AND CAST AN ABSENTEE BALLOT IN A CITY ELECTION. THE CITY CLERK SHALL SUPERVISE ABSENTEE VOTING, AND SHALL ISSUE NECESSARY INSTRUCTIONS REGARDING THE PROCEDURE FOR ABSENTEE VOTING TO QUALIFIED APPLICANTS FOR ABSENTEE BALLOTS. THE CITY CLERK SHALL PROVIDE THE ABSENTEE BALLOTS, THE SECRECY ENVELOPES FOR THE BALLOTS, AND THE POSTAGE-PAID RETURN ENVELOPES THEREFOR, AND ANY OTHER FORMS AND SUPPLIES REQUIRED FOR THE USE OF ABSENTEE VOTERS. (KC 6-23; ORD. 2488-2010)

6.05.145 ABSENTEE VOTING IN PERSON.

(A) A QUALIFIED VOTER MAY APPLY IN PERSON FOR AN ABSENTEE BALLOT AT THE OFFICE OF THE CITY CLERK DURING REGULAR OFFICE HOURS, OR THE VOTER MAY APPLY TO THE BOROUGH CLERK'S OFFICE OR ABSENTEE VOTING OFFICIAL IN HIS OR HER AREA DURING REGULAR OFFICE HOURS.

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(B) ON RECEIPT OF AN APPLICATION IN PERSON FOR AN ABSENTEE BALLOT AND EXHIBITION OF PROOF OF IDENTIFICATION AS REQUIRED IN THIS TITLE, THE CLERK SHALL ISSUE THE BALLOT TO THE APPLICANT.

(C) THE VOTER SHALL PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SMALL ENVELOPE, TO PLACE THE SMALL ENVELOPE IN THE LARGER ENVELOPE IN THE PRESENCE OF THE ELECTION OFFICIAL WHO SHALL SIGN AS ATTESTING OFFICIAL AND DATE OF HIS OR HER SIGNATURE. THE ELECTION OFFICIAL SHALL THEN ACCEPT THE BALLOT.

(D) THE ELECTION OFFICIAL MAY NOT ACCEPT A MARKED BALLOT THAT HAS BEEN EXHIBITED BY AN ABSENTEE VOTER WITH INTENT TO INFLUENCE OTHER VOTERS. IF THE ABSENTEE VOTER IMPROPERLY MARKS OR OTHERWISE DAMAGES A BALLOT, THE VOTER MAY REQUEST, AND THE ELECTION OFFICIAL SHALL PROVIDE HIM OR HER WITH ANOTHER BALLOT UP TO A MAXIMUM OF THREE (3). EXHIBITED, IMPROPERLY MARKED, OR DAMAGED BALLOTS SHALL BE DESTROYED. THE NUMBERS OF ALL BALLOTS DESTROYED SHALL BE NOTED ON THE BALLOT STATEMENT.

(E) EACH ABSENTEE VOTING OFFICIAL SHALL KEEP A RECORD OF THE NAMES AND THE SIGNATURES OF VOTERS WHO CAST ABSENTEE BALLOTS BEFORE HIM OR HER AND THE DATES ON WHICH THE BALLOTS WERE CAST.

(ORD. 1799-98)

6.05.150 ABSENTEE VOTING—APPLICATION.

ANY QUALIFIED VOTER WHO IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT MAY APPLY TO THE CITY CLERK IN PERSON, BY A PERSONAL REPRESENTATIVE, BY MAIL, OR BY ELECTRONIC TRANSMISSION, FOR AN ABSENTEE BALLOT. AN APPLICATION FOR AN ABSENTEE BALLOT RECEIVED BY THE CITY BY MAIL OR ELECTRONIC TRANSMISSION SHALL INCLUDE THE NAME OF THE APPLICANT AND BOTH THE LOCATION, I.E., ELECTRONIC, FACSIMILE, OR MAILING ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED AND HIS OR HER FULL RESIDENTIAL ADDRESS IN THE CITY. THE DATES FOR MAKING SUCH APPLICATIONS FOR ABSENTEE BALLOTS IN CITY ELECTIONS SHALL BE NOT LESS THAN SEVEN (7) DAYS PRIOR TO THE ELECTION. THE CITY CLERK SHALL FOLLOW THE PROCEDURE PRESCRIBED BY STATE LAW FOR ELECTION OFFICIALS IN DETERMINING WHETHER AN APPLICANT IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT. (KC 6-24; ORDS. 1652-95, 2556-2011)

6.05.160 ABSENTEE VOTING—BALLOTS.

VOTERS CASTING ABSENTEE BALLOTS SHALL MARK THE BALLOT, PLACE THE BALLOT IN THE SECRECY ENVELOPE AND THEN PLACE THE SECRECY ENVELOPE WITH THE MARKED BALLOT INSIDE THE POSTAGE-PAID RETURN ENVELOPE, AND RETURN THE DOCUMENTS TO THE CITY CLERK IN THE SAME MANNER AND UNDER THE SAME REGULATIONS, AS NEARLY AS MAY BE, AS REQUIRED BY LAW IN STATE ELECTIONS. (KC 6-25; ORD. 2488-2010)

6.05.170 ABSENTEE VOTING—BY MAIL.

(A) A QUALIFIED VOTER MAY APPLY FOR AN ABSENTEE BALLOT BY MAIL IF THE APPLICATION IS POSTMARKED NOT EARLIER THAN THE FIRST OF THE YEAR IN WHICH THE ELECTION IS TO BE HELD NOR LESS THAN SEVEN (7) DAYS BEFORE AN

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ELECTION. A VOTER MAY REQUEST HIS OR HER NAME BE PLACED ON PERMANENT ABSENTEE BY MAIL STATUS. THE APPLICATION SHALL INCLUDE THE ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED, THE APPLICANT'S FULL ALASKA RESIDENCE ADDRESS, AND THE APPLICANT'S SIGNATURE.

(B) AFTER RECEIPT OF AN APPLICATION BY MAIL, THE CITY CLERK SHALL SEND THE ABSENTEE BALLOT AND OTHER ABSENTEE VOTING MATERIAL TO THE APPLICANT BY FIRST CLASS MAIL. THE MATERIALS SHALL BE SENT AS SOON AS THEY ARE READY FOR DISTRIBUTION. THE POSTAGE PAID RETURN ENVELOPE SENT WITH THE MATERIALS SHALL BE ADDRESSED TO THE CITY CLERK.

(C) UPON RECEIPT OF AN ABSENTEE BALLOT BY MAIL, THE VOTER, IN THE PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS, MAY PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SECRECY ENVELOPE, TO PLACE THE SECRECY ENVELOPE IN THE POSTAGE PAID ENVELOPE, AND TO SIGN THE VOTER'S CERTIFICATE ON THE BACK OF THE POSTAGE-PAID RETURN ENVELOPE IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL DATE HIS OR HER SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS SUBSECTION ARE REASONABLY ACCESSIBLE, AN ABSENTEE VOTER SHALL HAVE THE BALLOT WITNESSED BY A PERSON OVER THE AGE OF EIGHTEEN (18) YEARS.

(D) AN ABSENTEE BALLOT MUST BE MARKED AND ATTESTED ON OR BEFORE THE DATE OF THE ELECTION. IF THE VOTER RETURNS THE BALLOT BY MAIL, HE OR SHE SHALL USE A MAIL SERVICE AT LEAST EQUAL TO FIRST CLASS AND MAIL THE BALLOT NOT LATER THAN THE DAY OF THE ELECTION TO THE CITY CLERK. THE BALLOT ENVELOPE MUST BE POSTMARKED ON OR BEFORE MIDNIGHT OF ELECTION DAY AND RECEIVED BY THE CITY CLERK NO LATER THAN NOON ON THE SEVENTH DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED AFTER THAT TIME SHALL NOT BE OPENED BUT SHALL BE MARKED "INVALID," WITH THE DATE OF RECEIPT NOTED THEREON, AND SHALL BE PRESERVED WITH OTHER BALLOTS OF THE ELECTION.

(E) THE CITY CLERK MAY REQUIRE A VOTER CASTING AN ABSENTEE BALLOT BY MAIL TO PROVIDE PROOF OF IDENTIFICATION OR OTHER INFORMATION TO AID IN THE ESTABLISHMENT OF HIS OR HER IDENTITY.

(F) THE CITY CLERK SHALL MAINTAIN A RECORD OF THE NAME OF EACH VOTER TO WHOM AN ABSENTEE BALLOT IS SENT BY MAIL. THE RECORD MUST LIST THE DATE ON WHICH THE BALLOT IS MAILED AND THE DATE ON WHICH THE BALLOT IS RECEIVED BY THE CITY CLERK AND THE DATES ON WHICH THE BALLOT WAS EXECUTED AND POSTMARKED.

(ORDS. 2488-2010, 2556-2011)

6.05.180 VOTING—AUTHORIZED.

THE ELECTION OFFICIAL MAY PROVIDE FOR VOTING AT ONE (1) OR MORE VOTING PLACES FOR ONE (1) OR MORE QUESTIONS OR OFFICES ON A BALLOT. (ORDS. 881, 1788-98)

6.05.190 VOTING—BOARDS.

THE ELECTION OFFICIAL SHALL APPOINT A RECEIVING BOARD AND A DATA PROCESSING CONTROL BOARD, EACH CONSISTING OF THREE (3) MEMBERS. THE ELECTION OFFICIAL SHALL APPOINT A CHAIR OF EACH BOARD AND ADMINISTER THE OATH PRESCRIBED FOR ELECTION JUDGES TO BOTH CHAIR WHO SHALL ADMINISTER THE OATH TO THE REMAINING MEMBERS OF THEIR RESPECTIVE BOARDS. A VACANCY ON A BOARD SHALL BE FILLED BY THE ELECTION OFFICIAL. (ORDS. 881, 1788-98)

6.05.200 VOTING DEVICES AND MACHINES.

(A) VOTING DEVICES AND MACHINES WILL BE USED FOR ALL REGULAR AND SPECIAL ELECTIONS UNLESS DETERMINED NOT TO BE PRACTICAL BY THE CLERK. THE LAWS OF THE STATE CONCERNING VOTING DEVICES AND MACHINES ARE INCORPORATED IN THIS CHAPTER AS IF FULLY SET OUT IN THIS CHAPTER EXCEPT FOR PROVISIONS IN CONFLICT WITH THIS CHAPTER.

(B) THE ELECTION OFFICIAL SHALL DESIGNATE THE COMPUTERS TO BE USED IN COUNTING THE BALLOTS AND MAY NEGOTIATE AND CONTRACT WITH THE KENAI PENINSULA BOROUGH OR A PRIVATE COMPUTER SERVICE FOR THE NEEDED COMPUTER SERVICES.
(ORDS. 881, 941, 1788-98)

6.05.210 VOTING—TESTS AND SECURITY.

NO LATER THAN ONE (1) WEEK BEFORE THE ELECTION, THE COMPUTER VOTE COUNTING PROGRAM MUST BE TESTED IN THE PRESENCE OF, AND TO THE SATISFACTION OF, THE DATA PROCESSING CONTROL BOARD. (ORDS. 881, 1788-98)

6.05.220 RECOUNT OF VOTES—APPLICATION.

(A) ANY DEFEATED CANDIDATE OR ANY TEN (10) QUALIFIED VOTERS, WHO BELIEVE THAT A MISTAKE HAS BEEN MADE BY AN ELECTION OFFICIAL OR BY THE COUNCIL IN COUNTING THE VOTES IN ANY ELECTION, MAY MAKE AN APPLICATION IN WRITING TO THE COUNCIL FOR A RECOUNT OF THE VOTES FROM THE PRECINCT FOR ANY PARTICULAR OFFICE OR ON ANY PARTICULAR QUESTION. THE APPLICATION MUST BE FILED WITH THE MAYOR, THE CITY CLERK, OR IN THE OFFICE OF THE CITY CLERK WITHIN TWENTY-FOUR (24) HOURS, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY AFTER THE COUNCIL DECLARES THE RESULTS OF THE VOTE BEING QUESTIONED. IN CASE OF A TIE VOTE BETWEEN TWO (2) OR MORE CANDIDATES, THE COUNCIL SHALL RECOUNT THE VOTES WITHOUT AN APPLICATION THEREFOR.

(B) THE PERSON OR PERSONS APPLYING FOR A RECOUNT SHALL DEPOSIT ONE HUNDRED DOLLARS (\$100.00) IN CASH, BY CERTIFIED CHECK, OR BY BOND WITH SURETY APPROVED BY THE COUNCIL, EXCEPT IN THE CASE OF A TIE VOTE FOR CANDIDATES (WHEN NO DEPOSIT SHALL BE REQUIRED). IF ON THE RECOUNT A CANDIDATE OTHER THAN THE CANDIDATE WHO WAS FIRST DECLARED ELECTED IS DECLARED ELECTED, OR IF THE RESULT OF THE VOTE ON A QUESTION IS REVERSED, OR IF THE VOTE ON RECOUNT IS DETERMINED TO BE FOUR PERCENT (4%) OR MORE IN EXCESS OF THE VOTE REPORTED AFTER THE FIRST CANVASS FOR THE CANDIDATE APPLYING FOR THE RECOUNT OR IN FAVOR OF THE OPPOSED TO THE

QUESTION STATED IN THE APPLICATION, THE DEPOSIT SHALL BE REFUNDED; OTHERWISE, IT SHALL BE PLACED IN THE GENERAL FUND OF THE CITY.

(C) THE COUNCIL SHALL BEGIN THE RECOUNT WITHIN FORTY-EIGHT (48) HOURS AFTER RECEIVING THE APPLICATION, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY, SHALL PROCEED WITH IT AS FAST AS PRACTICABLE, AND, SHALL DECLARE THE RESULTS THEREOF. THE CITY CLERK SHALL PROMPTLY ISSUE ANOTHER ELECTION CERTIFICATE IF A CHANGE IN THE RESULTS REQUIRE IT.

(KC 6-27; ORD. 2108-2005)

6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.

ANY CANDIDATE OR A MAJORITY OF THE PERSONS WHO REQUESTED A RECOUNT WHO HAVE REASON TO BELIEVE THAT AN ERROR HAS BEEN MADE IN THE RECOUNT INVOLVING ANY CANDIDATE OR QUESTION, MAY APPEAL TO THE SUPERIOR COURT IN ACCORDANCE WITH APPLICABLE COURT RULES GOVERNING APPEALS IN CIVIL MATTERS. THE FILING OF THE APPEAL AND THE PROCEEDINGS SHALL BE, AS NEARLY AS MAY BE, AS IN CASE OF SUCH AN APPEAL MADE AFTER A RECOUNT IN A STATE ELECTION. (KC 6-28)

6.05.240 ELECTION CONTESTS.

ANY DEFEATED CANDIDATE OR TEN (10) QUALIFIED VOTERS, BY ACTION BROUGHT IN THE SUPERIOR COURT, MAY CONTEST THE ELECTION OF ANY PERSON OR THE APPROVAL OR REJECTION OF ANY QUESTION UPON THE SAME GROUNDS AND IN THE SAME MANNER, AS NEARLY AS MAY BE, AS IN ELECTION CONTESTS ARISING OUT OF STATE ELECTIONS. THE CITY CLERK SHALL PROMPTLY ISSUE ANY NEW ELECTION CERTIFICATE REQUIRED TO REFLECT THE JUDGMENT OF THE COURT. (KC 6-29)

6.05.250 RULES AND REGULATIONS.

RULES AND REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS PURSUANT TO LAW REGULATING STATE ELECTIONS SHALL ALSO APPLY TO CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE. THE CITY CLERK SHALL HAVE THE POWERS AND DUTIES PRESCRIBED FOR THE DIRECTOR OF ELECTIONS IN SAID RULES AND REGULATIONS, WITH REGARD TO CITY ELECTIONS, INSOFAR AS IT WOULD BE APPROPRIATE IN CITY ELECTIONS. (KC 6-31; ORD. 803)

6.05.260 CITY ELECTION TIME.

NOTHING IN THIS CHAPTER SHALL PROHIBIT HOLDING A CITY ELECTION ON THE SAME DAY AND BY THE SAME ELECTION PERSONNEL AS A STATE, BOROUGH, OR OTHER PUBLIC ELECTION, OR SUBMITTING A CITY QUESTION AT SUCH AN ELECTION, AS AUTHORIZED BY THE CITY CHARTER, SECTION 10-8. (KC 6-32)

6.05.270 OFFENSES AND PENALTIES.

(A) IT IS UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO DO ANY OF THE FOLLOWING ACTS, AND ANY PERSON, FIRM, OR CORPORATION WHO DOES ANY OF THE FOLLOWING ACTS SHALL BE GUILTY OF A VIOLATION:

- (1) DIRECTLY OR INDIRECTLY USES OR THREATENS TO USE FORCE, COERCION, VIOLENCE, RESTRAINT, INFLICTS, OR THREATENS TO INFLICT DAMAGE, HARM, OR LOSS UPON OR AGAINST ANY PERSON TO INDUCE OR COMPEL THE PERSON TO

VOTE OR REFRAIN FROM VOTING FOR ANY CANDIDATE IN ANY ELECTION OR FOR ANY ELECTION PROPOSITION OR QUESTION.

(2) GIVES OR PROMISES TO GIVE, OR OFFERS ANY MONEY OR VALUABLE THING TO ANY PERSON, WITH THE INTENT TO INDUCE HIM OR HER TO VOTE FOR OR RESTRAIN HIM OR HER FROM VOTING FOR ANY CANDIDATE AT ANY ELECTION OR ANY ELECTION PROPOSITION OR QUESTION.

(3) KNOWINGLY PRINTS OR CIRCULATES, OR CAUSES TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, POSTER, OR OTHER PUBLICATION RELATING TO ANY ELECTION OR TO ANY CANDIDATE AT ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION WITHOUT THE SAME BEARING ON ITS FACE THE NAME AND ADDRESS OF THE AUTHOR, PRINTER, AND PUBLISHER THEREOF.

(4) WRITES, PRINTS, OR CIRCULATES, OR WHO SHALL CAUSE TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, OR POSTER, OR WHO CAUSES ANY PAID ADVERTISEMENT TO BE PLACED IN A NEWSPAPER OR ANY OTHER PUBLICATION, OR WHO PAYS OR CONTRIBUTES TO THE PAYMENT FOR ANY SUCH ADVERTISEMENT, OR WHO MAKES ANY RADIO BROADCAST, WILLFULLY KNOWING THE LETTER, CIRCULAR, BILL, PLACARD, POSTER, PUBLICATION, PAID ADVERTISEMENT, OR RADIO BROADCAST TO CONTAIN ANY FALSE STATEMENT, CHARGE, OR COMMENT RELATING TO ANY CANDIDATE TO ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION.

(5) HAS IN HIS OR HER POSSESSION OUTSIDE OF THE VOTING ROOM ANY OFFICIAL BALLOT, PROVIDED THAT THIS SHALL NOT APPLY TO ELECTION OFFICIALS OR OTHER PROPERLY AUTHORIZED PERSONS HAVING SUCH POSSESSION IN LINE OF DUTY.

(6) MAKES OR KNOWINGLY HAS IN HIS OR HER POSSESSION ANY COUNTERFEIT OF AN OFFICIAL BALLOT.

(7) REFUSES TO ALLOW AN EMPLOYEE REASONABLE TIME OFF FOR THE PURPOSE OF VOTING WHEN THE EMPLOYEE DOES NOT HAVE A REASONABLE AMOUNT OF TIME TO VOTE BEFORE OR AFTER WORK, OR WHO, AFTER ALLOWING THE TIME OFF, DEDUCTS THE TIME FROM THE COMPENSATION OF THE EMPLOYEE.

(8) BEING AN ELECTION OFFICIAL WHILE THE POLLS ARE OPEN, OPENS ANY BALLOT RECEIVED FROM A VOTER AT AN ELECTION, OR MARKS A BALLOT BY FOLDING OR OTHERWISE SO AS TO BE ABLE TO RECOGNIZE IT, OR OTHERWISE ATTEMPTS TO LEARN HOW ANY VOTER MARKED HIS OR HER BALLOT, OR ALLOWS THE SAME TO BE DONE BY ANY OTHER PERSON.

(9) WRITES, PRODUCES, OR ASSISTS IN WRITING OR PRODUCING ANY PUBLISHED LETTER, CIRCULAR, POSTER, BILL, PUBLICATION, OR PLACARD, KNOWING THAT IT CONTAINS ANY FALSE STATEMENT OR FALSE CHARGE REFLECTING ON THE CHARACTER, MORALITY, OR INTEGRITY OF ANY CANDIDATE AT ANY ELECTION.

(10) VOTES OR ATTEMPTS TO VOTE IN THE NAME OF ANOTHER PERSON OR IN ANY NAME OTHER THAN HIS OR HER OWN.

(11) BY FORCE, THREAT, INTIMIDATION, OR OFFER OF REWARD, INDUCES OR ATTEMPTS TO INDUCE ANY ELECTION OFFICIAL TO FAIL IN HIS OR HER DUTY.

(12) WILLFULLY CHANGES OR CAUSES TO BE CHANGED ANY OFFICIAL ELECTION DOCUMENTS, INCLUDING BALLOTS, TALLIES, AND RETURNS, OR ATTEMPTS TO DO THE SAME.

(13) WILLFULLY DELAYS OR CAUSES TO BE DELAYED THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(14) WILLFULLY VOTES OR ATTEMPTS TO VOTE MORE THAN ONCE AT THE SAME ELECTION.

(15) SIGNS ANY NAME OTHER THAN HIS OR HER OWN TO A PETITION PROPOSING AN INITIATIVE, REFERENDUM, OR RECALL, OR KNOWINGLY SIGNS HIS OR HER NAME MORE THAN ONCE FOR THE SAME PROPOSITION OR QUESTION AT ONE (1) ELECTION, OR SIGNS THE PETITION KNOWING THAT HE OR SHE IS NOT A QUALIFIED VOTER.

(16) HAVING BEEN CONTRACTED OR EMPLOYED BY THE CITY TO PRINT OR REPRODUCE IN ANY MANNER ANY OFFICIAL BALLOT, WILLFULLY APPROPRIATES TO HIM OR HERSELF, OR GIVES OR DELIVERS TO, OR KNOWINGLY PERMITS TO BE TAKEN BY ANYONE OTHER THAN A PERSON AUTHORIZED BY THE CITY CLERK, ANY OFFICIAL BALLOTS, OR KNOWINGLY PRINTS, REPRODUCES, OR CAUSES TO BE PRINTED OR REPRODUCED ANY OFFICIAL BALLOTS IN ANY OTHER FORM OR WITH ANY OTHER CONTENT THAN THAT PRESCRIBED BY THE CHARTER, ORDINANCE, OR AS DIRECTED BY THE CITY CLERK.

(17) WILLFULLY MAKES A FALSE AFFIDAVIT OR SWEARS FALSELY UNDER ANY OATH REQUIRED IN CONNECTION WITH ANY ELECTION OR REGISTRATION FOR VOTING OR FALSELY AFFIRMS IN LIEU OF SO SWEARING.

(18) WILLFULLY FAILS TO PERFORM ANY ELECTION DUTY OR KNOWINGLY DOES ANY UNAUTHORIZED ACT WITH THE INTENT TO AFFECT THE ELECTION OR ITS RESULTS.

(19) WILLFULLY PERMITS, MAKES, OR ATTEMPTS TO MAKE ANY FALSE COUNT OR REPORT OF THE ELECTION RETURNS.

(20) BEING AN ELECTION OFFICIAL, WILLFULLY CONCEALS, WITHHOLDS, WRONGFULLY CHANGES, MUTILATES, OR DESTROYS THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(B) ANY PERSON, FIRM, OR CORPORATION WHO IS GUILTY OF A VIOLATION AS DEFINED HEREINABOVE SHALL BE PUNISHED UPON CONVICTION THEREOF AS PROVIDED FOR MISDEMEANORS IN KMC 13.05.010.

(KC 6-30; ORDS. 1240, 1858-2000)

6.05.280 RECORD RETENTION.

(A) THE CERTIFICATE OF RETURNS OF THE CANVASSING BOARD SHALL BE MAINTAINED PERMANENTLY, AND DESCRIPTIONS OF ELECTION BOUNDARIES, PRECINCTS, AND POLLING PLACES SHALL BE MAINTAINED UNTIL THEY ARE REVISED.

(B) OTHER ELECTION RECORDS SHALL BE MAINTAINED FOR THE PERIOD SET FORTH BELOW:

| | |
|-----------------|-----------|
| FINANCIAL | SIX YEARS |
| DISCLOSURE FORM | |

| | |
|--|--|
| CANDIDATE AFFIDAVIT OF EXPENSE AND CONTRIBUTIONS | FIVE YEARS |
| ELECTION REGISTERS | FOUR YEARS |
| NOMINATING PETITIONS | THREE YEARS |
| DECLARATION OF CANDIDACY | THREE YEARS |
| REJECTED BALLOTS | ONE YEAR, UNLESS ELECTION CONTESTED |
| CERTIFICATES OF ELECTION RETURN REPORTS | PERMANENTLY |

(C) THE CITY CLERK SHALL INFORM THE CITY COUNCIL PRIOR TO DESTRUCTION OF ANY RECORDS, SPECIFYING THE TYPE OF RECORD AND THE DATE OF THE ELECTION TO WHICH IT RELATES.

(ORDS. 2488-2010, 2556-2011)

6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.

(A) THE CITY CLERK MAY CONDUCT A SPECIAL ELECTION BY MAIL.

(B) WHEN THE CLERK CONDUCTS A SPECIAL ELECTION BY MAIL, THE CLERK SHALL SEND A BALLOT TO EACH PERSON WHOSE NAME APPEARS ON THE OFFICIAL VOTER REGISTRATION LIST PREPARED UNDER AS 15.07.125 FOR THAT ELECTION. THE CLERK SHALL SEND THE BALLOT TO THE ADDRESS STATED ON THE OFFICIAL REGISTRATION LIST UNLESS THE VOTER HAS NOTIFIED THE CLERK IN WRITING OF A DIFFERENT ADDRESS TO WHICH THE BALLOT SHOULD BE SENT. THE CLERK SHALL SEND BALLOTS BY FIRST CLASS, NONFORWARD-ABLE MAIL ON OR BEFORE THE TWENTY-SECOND (22ND) DAY BEFORE THE ELECTION.

(C) THE CLERK SHALL REVIEW BALLOTS VOTED UNDER THIS SECTION UNDER PROCEDURES ESTABLISHED FOR THE REVIEW OF ABSENTEE BALLOTS.

(D) THERE SHALL BE A SMALL BLANK ENVELOPE AND A POSTAGE-PAID RETURN ENVELOPE SUPPLIED TO EACH BY-MAIL VOTER. THE POSTAGE-PAID RETURN ENVELOPE SHALL HAVE PRINTED ON IT AN AFFIDAVIT BY WHICH THE VOTER SHALL DECLARE THE VOTER'S QUALIFICATION TO VOTE, FOLLOWED BY PROVISION FOR ATTESTATION BY ONE (1) ATTESTING WITNESS, WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE. SPECIFIC INSTRUCTIONS FOR VOTING A BY-MAIL BALLOT AND A LIST OF THE APPOINTED ABSENTEE VOTING OFFICIALS, THEIR HOURS AND LOCATIONS, SHALL BE MAILED TO EACH VOTER WITH THE BALLOT.

(ORDS. 1800-98, 2488-2010)

6.05.310 CASTING BALLOTS.

(A) UPON RECEIPT OF A MAIL-IN BALLOT, THE VOTER SHALL CAST HIS OR HER BALLOT IN THE MANNER SPECIFIED IN KMC 6.05.140 THROUGH 6.05.160. IF THE BALLOT IS CAST IN THE CLERK'S OFFICE, THE CLERK SHALL RETAIN IT FOR DELIVERY TO THE CANVASSING BOARD. IF THE BALLOT IS CAST IN ANOTHER LOCATION, THE VOTER SHALL RETURN IT BY MAIL TO THE CLERK IMMEDIATELY FOR DELIVERY TO THE CANVASSING BOARD.

(B) A VOTER WHO DOES NOT RECEIVE A MAIL-IN BALLOT MAY CAST HIS OR HER BALLOT IN PERSON AS SPECIFIED IN KMC 6.05.145.

(C) A VOTER MAY RETURN THE MAIL-IN BALLOT TO THE CITY CLERK AS PROVIDED IN KMC 6.05.160.

(ORD. 1800-98)

6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.

(A) THE NOTICE OF ELECTION CALLING FOR THE ELECTION MUST STATE THAT THE ELECTION IS TO BE CONDUCTED BY MAIL AND THAT THERE WILL BE NO POLLING PLACE OPEN FOR REGULAR IN-PERSON VOTING ON ELECTION DAY. IN A BY-MAIL ELECTION, ELECTION DAY IS THE DEADLINE BY WHICH A VOTER'S BALLOT MUST BE RECEIVED BY THE CLERK.

(B) FOR EACH ELECTION CONDUCTED BY MAIL, THE PUBLIC NOTICE WILL BE GIVEN AS SET FORTH IN KMC 6.05.100.

(ORD. 1800-98)

6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.

(A) THE CITY CLERK, OR DESIGNEE, SHALL ACT AS ABSENTEE VOTING OFFICIAL.

(B) THE DUTIES OF THE ABSENTEE VOTING OFFICIAL SHALL BE AS FOLLOWS:

(1) PROVIDE ABSENTEE VOTING IN PERSON ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND ABSENTEE VOTING THROUGH A PERSONAL REPRESENTATIVE ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND HAVE UNTIL THE DAY OF THE ELECTION TO RETURN THE BALLOTS;

(2) SIGN A VOTER'S BY-MAIL OATH AND AFFIDAVIT ENVELOPE AS AN AUTHORIZED ATTESTING OFFICIAL, EXCEPT THAT THE ABSENTEE VOTING OFFICIAL MAY NOT ATTEST HIS OR HER OWN BALLOT;

(3) ACCEPT RECEIPT OF A BY-MAIL VOTER'S HAND-DELIVERED VOTED BALLOT, WHICH HAS BEEN SWORN TO, ATTESTED AND SEALED IN THE BY-MAIL RETURN ENVELOPE;

(4) PROVIDE GENERAL VOTER ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE TO A QUALIFIED VOTER WHO CANNOT READ, MARK THE BALLOT, OR SIGN HIS OR HER NAME, AND PROVIDING REPLACEMENT BALLOTS TO VOTERS WHO HAVE IMPROPERLY MARKED OR DAMAGED THEIR BALLOTS;

(5) DATE-STAMP ALL BALLOTS RECEIVED;

(6) PROVIDE FOR THE SECURITY AND SAFEKEEPING OF ALL BALLOTS RECEIVED AND PRESENT THOSE BALLOTS TO THE CLERK FOR CANVASSING.

(ORD. 1800-98)

6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.

(A) A QUALIFIED VOTER MAY APPLY TO THE CITY CLERK FOR AN ABSENTEE BALLOT TO BE SENT TO THE VOTER BY ELECTRONIC TRANSMISSION. SUCH APPLICATION MUST BE MADE BY THE VOTER NOT LESS THAN THE DAY IMMEDIATELY PRECEDING THE ELECTION. ABSENTEE BALLOTS WILL BE TRANSMITTED ELECTRONICALLY TO THE LOCATION (FACSIMILE NUMBER, E-MAIL ADDRESS, OR SIMILAR DESIGNATION) DESIGNATED IN THE APPLICATION. IF NO LOCATION IS DESIGNATED, AND IF THE APPLICATION IS RECEIVED NO LATER THAN SEVEN (7) DAYS PRIOR TO THE ELECTION, THE BALLOT WILL BE MAILED IN THE MANNER PROVIDED IN KMC 6.05.140 FOR DELIVERING ABSENTEE BALLOTS BY MAIL. THE CLERK WILL PROVIDE REASONABLE CONDITIONS FOR TRANSMITTING ABSENTEE BALLOTS ELECTRONICALLY.

(B) THE VOTER MAY RETURN THE BALLOT BY MAIL OR BY ELECTRONIC TRANSMISSION. AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL CONTAIN A COPY OF THE BALLOT TO BE USED AT THE ELECTION IN A FORM SUITABLE FOR TRANSMISSION. A PHOTOCOPY OF THE COMPUTERIZED BALLOT CARD TO BE USED BY PERSONS VOTING IN PERSON AT THE POLLING PLACES IS ACCEPTABLE.

(C) AN ABSENTEE BALLOT THAT IS COMPLETED AND RETURNED BY THE VOTER BY ELECTRONIC TRANSMISSION MUST:

(1) CONTAIN THE FOLLOWING STATEMENT: "I UNDERSTAND THAT BY USING ELECTRONIC TRANSMISSION TO RETURN MY MARKED BALLOT, I AM VOLUNTARILY WAIVING A PORTION OF MY RIGHT TO A SECRET BALLOT TO THE EXTENT NECESSARY TO PROCESS MY BALLOT, BUT EXPECT THAT MY VOTE WILL BE HELD AS CONFIDENTIAL AS POSSIBLE." FOLLOWED BY THE VOTER'S SIGNATURE AND DATE OF SIGNATURE; AND

(2) BE ACCOMPANIED BY A STATEMENT EXECUTED UNDER OATH AS TO THE VOTER'S IDENTITY; THE STATEMENT UNDER OATH MUST BE WITNESSED BY ONE

(1) UNITED STATES CITIZEN WHO IS EIGHTEEN (18) YEARS OF AGE OR OLDER.

(D) THE VOTER MAY RETURN THE BALLOT BY MAIL. THE BALLOT MUST BE MARKED, ATTESTED, AND RETURNED IN ACCORDANCE WITH KMC 6.05.170(D) IF THE VOTER RETURNS THE BALLOT BY MAIL.

(E) IF THE VOTER RETURNS THE BALLOT BY ELECTRONIC TRANSMISSION, THE VOTER MUST COMPLY WITH THE SAME DEADLINES AS FOR VOTING IN PERSON ON OR BEFORE THE CLOSING HOUR OF THE POLLS.

(F) WHEN A COMPLETED ABSENTEE BALLOT IS RECEIVED BY THE CITY THROUGH ELECTRONIC TRANSMISSION, THE CLERK WILL NOTE THE DATE OF RECEIPT ON THE ABSENTEE BALLOT APPLICATION LOG AND, IF THE BALLOT IS RECEIVED ON ELECTION DAY, THE TIME OF RECEIPT. THE CLERK WILL THEN:

(1) REMOVE THE BALLOT PORTION OF THE TRANSMISSION FROM THE PORTION THAT IDENTIFIES THE VOTER;

(2) PLACE THE BALLOT PORTION IN A SECRECY SLEEVE;

(3) SEAL THE SECRECY SLEEVE IN AN OUTER ENVELOPE OF THE TYPE USED FOR ABSENTEE BALLOTS RETURNED BY MAIL, AND SEAL THAT ENVELOPE;

(4) ATTACH THE VOTER IDENTIFICATION PORTION TO THE OUTER ENVELOPE;
AND

(5) FORWARD THE OUTER SEALED ENVELOPE TO THE CANVASSING BOARD FOR REVIEW.

(G) AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL BE COUNTED IN THE SAME MANNER AS OTHER ABSENTEE BALLOTS, EVEN THOUGH THIS PROCEDURE MAY REVEAL TO ONE (1) OR MORE ELECTION OFFICIALS THE MANNER IN WHICH A PARTICULAR ABSENTEE VOTER CAST HIS OR HER BALLOT. HOWEVER, IT SHALL BE UNLAWFUL TO DISPLAY AN ELECTRONIC BALLOT IN A MANNER REVEALING THE WAY IN WHICH A PARTICULAR VOTER CAST HIS OR HER BALLOT TO ANY PERSON OTHER THAN THE CITY CLERK, A MEMBER OF THE CLERK’S STAFF, AN INFORMATION TECHNOLOGIES TECHNICIAN RETAINED BY THE CITY, AN ELECTION OFFICIAL IN THE COURSE OF HIS OR HER DUTIES, OR AN ATTORNEY ADVISING THE CLERK ON LEGAL QUESTIONS CONCERNING THE BALLOT.
(ORDS. 2108-2005, 2556-2011)

6.05.340 STORING BALLOTS.

THE CLERK SHALL PROVIDE FOR THE SECURE STORAGE OF THE MAIL-IN BALLOTS RECEIVED FROM THE VOTERS AND BY-MAIL OFFICIALS UNTIL THE DATE SET BY THE CLERK FOR THE COUNTING OF THE BALLOTS. (ORD. 1800-98)

CHAPTER 6.10
FILING FOR OFFICE

SECTIONS:

- 6.10.010 NOMINATING PETITIONS.
- 6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.
- 6.10.030 WITHDRAWAL OF CANDIDACY.
- 6.10.040 PETITION AND STATEMENT TO BE PRESERVED.

6.10.010 NOMINATING PETITIONS.

(A) ANY QUALIFIED PERSON MAY HAVE HIS OR HER NAME PLACED ON THE BALLOT FOR THE ELECTION AS A CANDIDATE FOR MAYOR OR COUNCIL BY FILING WITH THE CITY CLERK, BETWEEN AUGUST 1ST, AND AUGUST 15TH, A SWORN STATEMENT OF HIS OR HER CANDIDACY. IF AUGUST 15TH IS NOT A REGULAR CITY WORKDAY, THE FILING PERIOD SHALL BE EXTENDED TO THE CLOSE OF BUSINESS OF THE NEXT REGULAR CITY WORKDAY. SUCH SWORN STATEMENT SHALL BE ACCOMPANIED BY A NOMINATING PETITION SIGNED BY TWENTY (20) OR MORE REGISTERED, QUALIFIED CITY VOTERS AS REQUIRED BY THE CITY CHARTER, SECTION 10-3.

(B) NO VOTER SHALL SIGN MORE THAN ONE (1) PETITION EXCEPT THAT A VOTER MAY SIGN AS MANY NOMINATING PETITIONS FOR COUNCILMEMBERS AS THERE ARE VACANCIES TO BE FILLED; AND IF A VOTER SIGNS MORE PETITIONS THAN HEREBY AUTHORIZED, HIS OR HER SIGNATURE SHALL BE VOID EXCEPT AS TO THE AUTHORIZED NUMBER OF PETITIONS FIRST FILED.

(C) NOMINATION PETITIONS SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

NOMINATING PETITION

WE, THE UNDERSIGNED TWENTY (20)
ELECTORS OF THE CITY OF KENAI, HEREBY
NOMINATE AND SPONSOR
_____, WHOSE ADDRESS

IS _____, FOR THE OFFICE OF _____, TO BE VOTED FOR AT THE ELECTION TO BE HELD ON _____; AND WE INDIVIDUALLY CERTIFY THAT OUR NAMES PRESENTLY APPEAR ON THE ROLLS OF REGISTERED VOTERS OF THE CITY OF KENAI, AND THAT WE ARE QUALIFIED TO VOTE FOR A CANDIDATE FOR AN ELECTIVE MUNICIPAL OFFICE, AND THAT WE HAVE NOT SIGNED ANY OTHER NOMINATING PETITION FOR THE PARTICULAR OFFICE THIS CANDIDATE SEEKS. CHECK TERM OF OFFICE CANDIDATE IS SEEKING: _____ ONE YEAR; _____ TWO YEARS; THREE YEARS.

(HERE PLACE LINES FOR SIGNATURES, ADDRESSES, AND DATES OF SIGNING.)

ACCEPTANCE OF NOMINATION

I HEREBY ACCEPT THE NOMINATION FOR _____ AND AGREE TO SERVE _____ YEARS IF ELECTED.

DATE _____ BY: _____
FILED: _____

RECEIVED: _____

CITY CLERK _____ SIGNATURE OF CANDIDATE _____

(KC 6-33; ORDS. 247, 803, 995; AMENDED DURING 11-17-01 SUPPLEMENT; ORDS. 2067-2004, 2562-2011)

6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.
WITHIN THREE (3) DAYS AFTER THE FILING OF THE STATEMENT OF CANDIDACY AND NOMINATING PETITION, THE CITY CLERK SHALL DETERMINE WHETHER THE NOMINATING PETITION IS SIGNED BY THE REQUIRED NUMBER OF REGISTERED VOTERS, AND SO NOTIFY THE CANDIDATE. IF INSUFFICIENT, THE CITY CLERK SHALL RETURN THE PETITION IMMEDIATELY TO THE CANDIDATE WITH A STATEMENT AS TO WHY THE PETITION IS INSUFFICIENT. WITHIN THE REGULAR TIME FOR FILING PETITIONS AND STATEMENTS OF CANDIDACY, A NEW PETITION AND STATEMENT OF CANDIDACY MAY BE FILED BY THE CANDIDATE. THE ABOVE NOTICE TO THE

CANDIDATE AND THE RETURN OF AN INSUFFICIENT PETITION MAY BE IN PERSON, BY DELIVERY BY POLICE, OR BY MAIL. (KC 6-34; ORD. 803)

6.10.030 WITHDRAWAL OF CANDIDACY.

ANY CANDIDATE FOR OFFICE MAY WITHDRAW HIS OR HER CANDIDACY AT ANY TIME BEFORE THE EXPIRATION OF THE TIME WHEN CANDIDATES MAY FILE STATEMENTS OF CANDIDACY, BY FILING A WRITTEN NOTICE OF WITHDRAWAL WITH THE CITY CLERK DURING SUCH TIME. (KC 6-35)

6.10.040 PETITION AND STATEMENT TO BE PRESERVED.

THE PETITION AND STATEMENT OF CANDIDACY OF EACH CANDIDATE SHALL BE PRESERVED BY THE CITY CLERK UNTIL THE EXPIRATION OF THE TERM OF OFFICE FOR WHICH HE OR SHE WAS A CANDIDATE. (KC 6-36)

CHAPTER 6.20
INITIATIVE AND REFERENDUM

SECTIONS:

6.20.010 PROVISIONS OF CHARTER TO GOVERN.

6.20.010 PROVISIONS OF CHARTER TO GOVERN.

THE INITIATIVE AND REFERENDUM SHALL BE GOVERNED BY THE CITY CHARTER, SECTIONS 11-1 TO 11-5. THE PROVISIONS OF THIS CHAPTER OF THIS CODE SHALL GOVERN ELECTIONS AT WHICH INITIATED AND REFERRED PROPOSALS ARE SUBMITTED TO THE VOTERS, AS WELL AS OTHER ELECTIONS, INSOFAR AS THEY ARE APPLICABLE. (KC 6-37)

CHAPTER 6.30
RECALL

SECTIONS:

6.30.010 PROCEDURES AND GROUNDS.

6.30.010 PROCEDURES AND GROUNDS.

PROCEDURES AND GROUNDS FOR RECALL OF INCUMBENTS OF ELECTIVE OFFICES OF THE CITY SHALL BE SUCH AS MAY BE PRESCRIBED BY LAW, AS PROVIDED BY THE CITY CHARTER, SECTION 11-6. THE PROVISIONS OF THIS TITLE OF THIS CODE SHALL GOVERN RECALL ELECTIONS, AS WELL AS OTHER ELECTIONS, INSOFAR AS THEY ARE APPLICABLE. (KC 6-38)]

Chapter 6.05
General Provisions

6.05.010 – Definitions

When used in this Title, the following words and phrases have the meaning set forth in this section, except where the context clearly indicates a different meaning:

"Clerk" and "City Clerk" mean the Clerk of the City, any properly authorized assistant or designee.

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"Day" means a calendar day including Saturday, Sunday and holidays.

"Election" includes a regular or special City election.

"Election official" means the City Clerk, Clerk's office staff, Kenai Peninsula Borough Clerk, Borough Clerk's office staff, and members of all election boards.

"Election supervisor" means the City Clerk.

"Oath" includes affirmation on penalty of perjury.

"Precinct" means the geographical area within which resident voters may cast votes at one polling place.

"Precinct register" means the register maintained by the Director of the State Division of Elections.

"Proposition" means an initiative, referendum, recall, or other question submitted to the public at an election.

"Qualified voter" means a person who is qualified to vote in City elections under KMC 6.10.010.

"Questioned voter" means any person whose name does not appear on the register in the precinct where the voter attempts to vote, a voter who has received an absentee ballot and does not turn it in when voting at his/her precinct on election day, a voter who does not bear identification or is not personally known to an election official though his/her name appears on the precinct register, or a voter who is questioned for good cause at the polls in writing.

"Registration" or "registered" refers to the form of registration required by the state election statute. For City elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the City election.

"Regular election" means the City election held on the first Tuesday of October annually as prescribed by Kenai Charter section 10-1.

"Signature" and "subscription" both include any mark intended as a signature or subscription.

"Special election" means any election held at a time other than when a regular election is held.

"Swear" includes "Affirm".

"Voter" means any person who presents themselves for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

6.05.020 – Powers and Duties of the Clerk

The Clerk shall supervise all City elections and shall determine whether candidates for City office are qualified in accordance with this Title and City Charter.

6.05.030 – Election Times.

- (a) Regular Election. Annually, on the first Tuesday of October, a regular election shall be held in the City for the election of vacant City offices and for the determination of other propositions and matters as may be placed on the ballot as authorized by the City Charter, Section 10-1.
- (b) Special Election. The Council, by resolution or ordinance, may call a special election at any time at least 75 days prior to the date of the election and may submit questions to the qualified voters of the City as authorized by the City Charter, Section 10-8. Unless the Council has set a date for a required special election, the election supervisor shall call a special election when required by law or ordinance to place an initiative, referendum, recall, or other question before the voters.
- (c) Nothing in this chapter shall prohibit holding a City election on the same day and by the same election personnel as a State, Borough, or other public election, or submitting a City question at such an election, as authorized by the City Charter, Section 10-8.

6.05.040 – Votes Required for Election to Office.

- (a) Each City office shall be filled by the candidate receiving the greatest number of votes as authorized by the City Charter, Section 10-4.
- (b) Tie votes. In case of a failure to elect because of a tie vote, the Council shall immediately order a recount of ballots pursuant to KMC 6.45.030. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the Council and under its direction, in accordance with the City Charter, Section 10-4.

6.05.050 – Preservation of Election Ballots, Papers, and Materials.

- (a) The certificate of returns of the canvassing board shall be maintained permanently, and descriptions of election boundaries, precincts, and polling places shall be maintained until they are revised.
- (b) Financial disclosure forms shall be maintained for a period of six years and then may be destroyed.
- (c) Election registers, nominating petitions, declaration of candidacy, and rejected ballots shall be retained for one year after the certification of the election. These materials may be destroyed after their retention period has lapsed unless their destruction is stayed by an order of the court.

6.05.060 – Election Expenses.

- (a) The City shall pay all necessary expenses relating to the conduct of each City election. Necessary expenses shall include those associated with conducting the election. The Clerk shall retain a record for auditing and payment of election expenses.
- (b) The City shall pay each election official and canvass board member an hourly rate for time spent at his or her election duties, including the receiving of instructions. The election supervisor shall set the hourly compensation to be paid for time spent by election officials.

6.05.070 – Initiative, Referendum, and Recall.

- (a) The initiative and referendum process shall be governed by the City Charter, Sections 11-1 to 11-5. The provisions of this chapter of this Code shall govern elections at which initiated and referred proposals are submitted to the voters, as well as other elections, insofar as they are applicable.
- (b) As set forth by the City Charter, Section 11-6, all incumbents of elective offices of the City, including persons chosen to fill vacancies in such offices, shall be subject to recall from office by the qualified voters of the City. Procedures and grounds for recall shall be such as may be prescribed by law. The Council, by ordinance, may further regulate the recall insofar as such regulation is not in conflict with the State Constitution or law.

6.05.080 – Proposition and Questions.

A resolution or ordinance brought forward by the City Council placing a proposition before the voters must be adopted at least 53 days or more before a regular election, and at least 60 days or more before a special election.

Chapter 6.10 **Voter Qualifications**

6.10.010 – Voter Qualifications

A person is qualified to vote in a City election only if the person:

- (1) is qualified to vote in state elections under AS 15.05.010;
- (2) has been a resident of the City for 30 days immediately preceding the election;
- (3) is registered to vote in state elections at a residence address within the City at least 30 days before the City election at which the person seeks to vote; and
- (4) is not disqualified under article V of the state constitution.

6.10.020 – Rules for Determining Residence of Voters.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- (a) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or by absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home or the Alaska Veterans' Home.
- (b) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one

place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.

- (c) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one place of residence.
- (d) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning.
- (e) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.
- (f) A person loses residence in this City if the person votes in another City's or borough's election or another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state again until qualifying under provisions of state law.
- (g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- (h) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated only if the voter notifies the Division of Elections in writing of a change of voting residence.

6.10.030 - Notice of voter registration.

Before each election, the Clerk shall post on the City website and publish at least twice in a newspaper of general circulation, a notice of voter registration. The posting and first publication shall occur not less than 60 days before the election. The notice shall include the qualifications required to vote and the deadline for registering to vote in the election.

Chapter 6.15 **Filing for Office**

6.15.010 – Candidate Qualifications

A candidate for elective City office:

- (a) Shall have the qualifications required in City Charter, Section 2-1(b), as of the date of the declaration of candidacy,
- (b) Shall provide proof of qualifications for office as required by the Clerk, and
- (c) Shall submit a nominating petition, on a form provided by the Clerk, signed by twenty (20) or more registered qualified City voters, in accordance with City Charter, Section 10-3.

6.15.020 – Nomination and Declaration of Candidacy.

- (a) Any qualified person may have their name placed on the ballot for the election as a candidate for Council or Mayor by filing with the Clerk, between August 1st and August 15th, 4:30 p.m., a nominating petition with sufficient signatures and a sworn statement of his or her candidacy, on a form or forms provided by the Clerk, accompanied by the public financial disclosure statement required by KMC 1.85.010(a). If August 15th is not a regular City workday, then candidates shall have until noon on the first workday following to file their candidacy paperwork.
- (b) A nominating petition shall include:
 1. The full name of the candidate the petitioners are sponsoring; and

2. The full residence address of the candidate; and
 3. The office for which the petitioners are nominating the candidate; and
 4. The length of the term of office for which the petitioners are nominating the candidate; and
 5. Certification that the petitioners' names appear on current voter registration rolls for the City of Kenai, are qualified to vote for a candidate for elective municipal office, and have not signed any other nominating petition for the particular office the named candidate seeks.
- (c) No voter shall sign more than one (1) petition except that a voter may sign as many nominating petitions for Councilmembers as there are vacancies to be filled; and if a voter signs more petitions than hereby authorized, his or her signature shall be void except as to the authorized number of petitions first filed.
- (d) A sworn statement of candidacy and certification of qualification shall include:
1. The office for which the candidate accepts nomination; and
 2. A statement that the candidate agrees to serve, if elected; and
 3. A statement that the candidate is qualified for the office as provided by law; and
 4. The date and signature of the candidate; and
 5. Attestation and date by the Clerk; and
- (e) A candidate shall provide any other information the Clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.
- (f) Within three (3) days after the filing of the declaration of candidacy and nominating petition, the Clerk shall determine whether the nominating petition is signed by the required number of registered voters, and so notify the candidate. If insufficient, the Clerk shall return the petition immediately to the candidate with a statement as to why the petition is insufficient. Within the regular time for filing petitions and declarations of candidacy, a new petition and declaration of candidacy may be filed by the candidate. The above notice to the candidate and the return of an insufficient petition may be in person or by mail.
- (g) Any candidate for office may withdraw their candidacy at any time before the expiration of the time when candidates may file statements of candidacy, by filing a written notice of withdrawal with the City Clerk.

6.15.030 – Review of Candidate Qualifications.

- (a) In determining residence within the City, for the purposes of this chapter, the Clerk shall apply the following rules:
1. A person establishes residence within the City by:
 - (A) Actual physical presence at a specific location within the City; and
 - (B) Maintaining a habitation at the specific location;
 2. A person may maintain a place of residence at a specific location within the City while away from the location for purposes of employment, education, military service, medical treatment or vacation if the person does not establish residency at another location; and
 3. A qualified voter loses residence by voting in another City or borough or in another state's election.
- (b) The Clerk shall determine whether each candidate is qualified as provided by law. At any time before the election the Clerk may disqualify any candidate whom the Clerk finds is not qualified. A candidate who is disqualified may request a hearing before the Clerk. The hearing

- shall be held no later than 5 business days after the request unless the candidate agrees in writing to a later date.
- (c) Any person may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the Clerk. A complaint regarding the eligibility of a candidate must be received by the Clerk not later than the close of business on the 10th calendar day after the filing deadline for the office for which the candidate seeks election.
- (d) The complaint must be in writing and include the name, mailing address, contact phone number, and signature of the person making the complaint, and a statement in 200 words or less specifying the grounds for the complaint, described in particular, on which the candidate's eligibility is being questioned.
- (e) The Clerk will review only those issues cited in the complaint related to candidate qualifications established by this chapter.
- (f) Upon receipt of a complaint, the Clerk will review any evidence relevant to the issues identified in the complaint which is in the custody of the municipal Clerk's office including evidence provided with the complaint, the candidate's registration record, declaration of candidacy, and, in the discretion of the Clerk, any other public record. Following review of all relevant evidence in the case, and within 20 days of receiving the complaint, the Clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate. The process for issuing a final determination will be as follows:
1. The Clerk will send notification in writing to the candidate whose eligibility is being questioned that a complaint has been received. The notification will include a copy of the complaint, supporting relevant evidence, a statement as to whether a preponderance of evidence reviewed as of that notice supports or does not support the eligibility of the candidate, and a request that the candidate provide a sworn response statement along with any relevant supporting evidence.
 2. The Clerk must also notify the challenger that all relevant evidence must be submitted within 7 calendar days of the date of the Clerk's notice to the candidate that a complaint has been filed. If the Clerk receives additional evidence during this 7-day period, such evidence must be provided to the candidate with an opportunity to respond. Absent extraordinary circumstances, the Clerk shall not consider evidence received after the challenger's deadline to submit evidence.
 3. The candidate's response statement and any supporting evidence must be received within 10 calendar days of the date of the Clerk's notice to the candidate that a complaint has been filed. Absent extraordinary circumstances, the Clerk shall not consider evidence received after the candidate's deadline to submit evidence.
 4. For purposes of this section, "extraordinary circumstances" must be specified in writing, documenting a serious circumstance or event beyond the control of the individual providing the late evidence.
 5. Following review of all relevant evidence in the case, and within 20 days of receiving the complaint, the Clerk will issue a final determination based on a preponderance of evidence standard for review
 6. A final determination must be issued in writing within 20 days of the Clerk receiving the complaint.
- (g) The Clerk must send the final written decision to the person making the complaint and to the candidate. The Clerk's decision shall be sent by certified mail and by electronic mail (email), if an email address is known. The determination of the Clerk constitutes a final administrative decision. An appeal of the Clerk's decision shall be filed with the State of Alaska Superior Court at Kenai, Alaska in conformance with the Rules of Appellate Procedure of the State of Alaska, Part VI.

6.15.040 – Campaign Reporting.

All candidates for elective City office shall comply with the Alaska Public Offices Commission campaign reporting requirements in Alaska Statute Chapter 15.13.

6.15.050 – Notice of Vacancy.

At least ten (10) days before nominations are open for each regular or special election, the Clerk shall publish at least twice in a newspaper of general circulation, a notice of offices to be filled at the election and the procedure for filing a nomination petition and statement of candidacy for the offices.

Chapter 6.20
Administration of Elections

6.20.010 – Election Notices.

- (a) Notice of Election. Before every City election, regular or special, the Clerk shall cause a notice of election to be published at least twice in a newspaper of general circulation. The Clerk shall also post a notice of election on the official City bulletin board and in two (2) other public places in the City limits. The posting and first publication shall occur at least 20-days before an election. Each notice of election shall include:
1. The type of election, whether regular or special;
 2. The date of the election;
 3. The location of the polling place(s) and the hours the polling place(s) shall be open;
 4. The offices to which candidates are to be elected;
 5. The subjects of propositions to be voted upon;
 6. Voter qualifications and instructions for registration; and
 7. Instructions for application for absentee voting.
- (b) Failure to publish such a notice of an election shall not affect the validity of the election or of the vote for any candidate or on any proposal; but, if caused by the Clerk, shall constitute failure to perform his or her official duties.
- (c) In addition to the above notice, the Clerk shall publish in full, every charter amendment, every ordinance, and every other question which is to be submitted at an election, except a referred ordinance which was published in full after passage, not more than four (4) weeks and at least two (2) weeks before the election in accordance with the City Charter, Sections 1-7(4) and 10-8.
- (d) Notice of Bonded Indebtedness. Before a general obligation bond issue election, the Clerk shall publish notice of total existing bonded indebtedness at least once a week for three consecutive weeks. The first notice shall be published at least 20-days before the date of the election. The notice must include:
1. The current total general obligation bonded indebtedness, including authorized but unsold bonds, of the City;
 2. The cost of the debt service on the current indebtedness; and
 3. The total assessed valuation within the City.

6.20.020 – Election Officials.

- (a) Before each election, the Clerk, subject to approval by the Council, shall appoint an election board of at least four judges in a precinct. A judge shall be a voter of the City. The Clerk shall designate one election judge from each precinct as the chairperson, who shall be primarily responsible for administering the election in the precinct. After Council approval, the Clerk may assign additional officials if deemed necessary for proper conduct of the election.
- (b) All City election personnel shall be appointed without regard to their membership in any political party.
- (c) If any appointed election official is not able or refuses to serve, the Clerk may appoint a replacement for that official.
- (d) All election officials, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the Clerk.
- (e) Candidates shall not serve as election officials. Certain familial relationships may not exist between a candidate and an election official in regular or special elections. Those familial relationships are:
 - 1. Mother, mother-in-law, stepmother;
 - 2. Father, father-in-law, stepfather;
 - 3. Sister, sister-in-law, stepsister;
 - 4. Brother, brother-in-law, stepbrother;
 - 5. Spouse; or
 - 6. Person sharing the same living quarters.
- (e). If the Clerk knows or learns that any of these relationships exist, the election official shall be notified and replaced.

6.20.030 – Ballot Form.

- (a) The ballot shall be designed with the position of names of the candidates set out in the same order in each section on each ballot used in that election. However, the order of placement of the names of the candidates for each office shall be randomly determined by the Clerk.
- (b) The title of the office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for no more than _____" with the appropriate number replacing the blank, shall be placed before the list of candidates for each office. The names of the candidates shall be printed as they appear upon the declaration filed with the Clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of a proper name. The names of candidates shall be set out in order as provided in subsection A. of this section.
- (c) The propositions to be voted on shall follow the candidates for office or shall be on separate ballots, as the Clerk may determine. The words "yes" and "no" shall appear below each proposition.
- (d) Each ballot shall bear the words "Official Ballot," and the date of the election.
- (e) A ballot shall be printed either on paper or on card stock as provided in this title.
- (f) The ballots shall be consecutively numbered.

6.20.040 – Ballot Preparation and Distribution.

- (a) The Clerk shall have ballots printed for each election. The Clerk may contract for the preparation and printing of ballots without competitive bidding.
- (b) The Clerk shall possess the printed ballots at least 15 days before each regular election and at least 10 days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or by his or her authorized agent, and any discovered mistake shall be corrected immediately.
- (c) The Clerk shall arrange for delivery of ballots to each election board prior to or on the date of the election before the opening of the polls. The ballots shall be delivered in separate containers, with the number of ballots enclosed in each container clearly marked on the outside. A receipt for each package shall be taken from the election board to which it was delivered.
- (d) No ballots shall be taken from the precinct before the closing of the polls unless the Clerk for good cause directs that the ballots be removed. A record shall be kept by the election official of the ballots removed from the precinct.
- (e) The Clerk shall have sample ballots available to voters which are identical in form to the official ballot, and which are printed on colored paper and marked "sample." Sample ballots shall be made available at all absentee in person and polling locations.

6.20.050 – Ballot Shortage

- (a) Under no circumstance shall a precinct close due to ballot shortage. The election board chairperson for the precinct shall monitor the ballot supply at the precinct throughout Election Day and apprise the Clerk of any projected shortage in the number of available ballots.
- (b) Upon being informed by an election official that there is a projected shortage of ballots, the Clerk shall promptly supply the precinct with additional printed ballots. If sufficient additional printed ballots are not available, the Clerk shall supply the precinct with copies of the original ballot marked "Alternate Ballot."

6.20.060 – Reporting Voting Information to the State.

Within 60 days after each election held in the City, the Clerk shall send to the State of Alaska Division of Elections the official precinct register, questioned voter register, absentee in person voter register and special needs voting register containing the names, residence address, and the voter identification of all persons who voted in that election.

Chapter 6.25 **Polling Site Procedures**

6.25.010 - Prohibitions.

- (a) During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.

- (b) During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. For the purposes of this section, the entrance to a polling place is the entrance to the building. The election board shall post warning notices in the form and manner prescribed by the Clerk.
- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in KMC 6.25.080.
- (d) While the polls are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- (e) No person may leave the polling place with the official ballot that the person received to mark.

6.25.020 - Opening of Polling Place.

On the day of the election, each election board shall open the polls for voting at 7:00 a.m., shall close the polls for voting at 8:00 p.m., and shall keep the polls continuously open during the time between those hours. The election board shall report to the polling place by 6:30 a.m. so that voting will start promptly at 7:00 a.m. The chair of the election board shall rotate times at which election judges, board members, and Clerks may be relieved for breaks or meals; provided, however, that at all times at least two judges from the election board are present at the polling place.

6.25.030 – Watchers.

- (a) Each candidate, or organized group that sponsors or opposes a proposition, may designate one person at a time to be a poll watcher in each precinct.
- (b) A person wishing to serve as a poll watcher shall request authorization from the city clerk no later than 5:00 p.m. the Tuesday prior to the election. The authorization must include:
1. The name of the person to act as a poll watcher;
 2. The name of the candidate, group, or organization the poll watcher is representing;
 3. The date of the election; and
 4. The precinct the poll watcher wishes to observe.
- (c) The poll watcher must present authorization as defined in subsection (b) of this section to the election official upon request. The poll watcher will be provided an area to view all actions of the election board. If the poll watcher does not provide the requested authorization, an election official may require the poll watcher to leave the poll watcher area.
- (d) The poll watcher observing may:
1. Observe the conduct of the election; and
 2. Check the polling booths after each voter to make sure campaign materials have not been left in the booth.
 3. Remain in the polling place until all procedures are completed.
 - a. Request the election board to print an additional copy of the results tape for the poll watcher.

(e) The poll watcher may not:

1. Have any duties in the conduct of the election;
2. Be allowed to touch any of the election materials; and
3. Interfere or disturb the orderly conduct of the election.

(f) If the poll watcher violates this section or any regulations adopted by the city clerk, the election official may require the poll watcher to leave the poll watcher area.

6.25.040 - Ballot Box Security.

Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and not opened again or removed from the polling place until the polls have closed.

6.25.050 - Voter Register.

- (a) The Clerk shall order from the State of Alaska Division of Elections an official voter register showing all persons registered to vote in state elections at a residence address within the City at least 30 days before the date of the election.
- (b) The election board shall keep a register in which each voter's signature, residence and mailing address shall be entered before the voter receives a ballot. A record shall be kept in the register in the space provided of the names of persons who offered to vote but who actually did not vote and a brief statement of explanation. A voter's signing of the register shall constitute a declaration that the voter is qualified to vote.
- (c) If a person's name does not appear on the official registration list in the precinct in which the person seeks to vote, the person may vote a questioned ballot.

6.25.060 - Voter Identification.

- (a) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including but not limited to an official voter registration card, driver's license, passport, hunting or fishing license.
- (b) An election official may waive the identification requirement if the election official knows the identity of the voter.
- (c) A voter who cannot exhibit a satisfactory form of identification shall be allowed to vote a questioned ballot.

6.25.070 - Providing Ballot to Voter.

When a voter has qualified to vote, the election official shall give the voter an official ballot. The voter shall retire to a booth or private place to mark the ballot.

6.25.080 - Questioned Voting.

- (a) If the polling place of a voter is in question, the voter shall vote a questioned ballot after complying with Subsection C of this section.
- (b) Every election official and any other person qualified to vote may question a person attempting to vote if the questioner has good reason to suspect that the person is not qualified to vote. All questions regarding a person's qualification to vote shall be made in writing, setting out the reason that the person has been questioned.
- (c) Before voting, a person whose qualification to vote is questioned or whose name does not appear on the official voter register shall subscribe to an oath or affirmation on a form provided by the election official attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted in the same election.
- (d) A voter who casts a questioned ballot shall vote his/her ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall vote the ballot then insert the voted ballot into a small envelope and put the small envelope into a larger envelope on which the statement he/she previously signed is located.

6.25.090 - Assistance to Voters.

A qualified voter who cannot read, mark the ballot or sign his/her name may request an election official or not more than two persons of his/her choice assist him/her. If the election official is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that he/she will not divulge the vote cast by the person whom he/she assists.

6.25.100 - Spoiled Ballots.

If a voter mutilates, improperly marks, spoils or otherwise damages the voter's ballot, the voter may request the election official provide another ballot upon the voter returning the damaged ballot to the election official. Without examining the spoiled ballot, the election official shall tear the ballot in half and place half in an envelope provided by the Clerk for a portion of each spoiled ballot and discard the remaining half. The election official shall then issue a new ballot of the same type to the voter. A voter may obtain a maximum of three replacement ballots under this section.

6.25.110 - Alternate ballots.

If the use of alternate ballots is required as prescribed in KMC 6.20.050(b) the voter shall vote his/her ballot in the same manner as prescribed for other voters. The voter shall then place his/her voted ballot in the side compartment of the ballot box.

6.25.120 - Placing Ballots in Ballot Box.

When the voter has marked the ballot, the voter shall inform the election official. The Clerk may require that the voter return the ballot to the election official temporarily so that any stub which may be part of the ballot may be removed by the election official. Any such requirement shall

protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter in the presence of the election official unless the voter requests the election official to deposit the ballot.

6.25.130 - Closing of Polls.

- (a) Fifteen minutes before the closing of the polls, and at the time of closing the polls, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement fifteen minutes before closing time shall not in any way invalidate the election or extend the time for closing the polls. After closing, no person will be allowed to enter the polling place for purposes of voting. Every qualified voter present and in line at the time prescribed for closing the polls may vote.
- (b) When the polls are closed and the last vote has been cast, the election board shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the Clerk, the number of official ballots supplied.
- (c) The election board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted on the ballot statement.

6.25.140 - Unused Ballots.

The number of ballots not issued shall be recorded and then all such ballots shall be disposed of as instructed by the Clerk. The number of ballots damaged by voters and replaced by election officials shall also be recorded. The record of ballots not issued and ballots damaged shall be preserved for 30 days unless the election is contested.

Chapter 6.30 **Absentee Voting**

6.30.010 - Administration of Absentee Voting.

The Clerk shall provide general administrative supervision over the conduct of absentee voting. The Clerk shall make available instructions to absentee voters regarding the procedure for absentee voting.

6.30.020 - Eligibility.

Any qualified voter may vote an absentee ballot for the precinct in which they reside and are registered.

6.30.030 - Materials for Absentee Voting.

The Clerk shall provide ballots for use as absentee ballots; shall provide a small envelope in which the voter shall initially place the marked ballot; and shall provide a large envelope, with the prescribed voter's certificate on the back, in which the smaller envelope with the ballot enclosed, shall be placed. The Clerk shall provide the form of and prepare the voter's certificate which shall include an oath that the voter is qualified in all aspects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified himself or herself, blanks for the attesting official or witness, and a place for recording the date the envelope was sealed and witnessed.

6.30.040 - Absentee Voting in Person.

- (a) A qualified voter may apply in person for an absentee ballot at the location designated for absentee voting by the Clerk during regular office hours.
- (b) On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in this title, the absentee voting official shall issue the ballot to the applicant.
- (c) The voter shall proceed to mark the ballot in secret, place the ballot in the secrecy sleeve and place the secrecy sleeve in the larger envelope in the presence of the election official who shall sign as attesting official and date of his/her signature. The election official shall then accept the ballot.
- (d) The election official may not accept a marked ballot that has been exhibited by an absentee voter with the intent to influence other voters. If the absentee voter improperly marks or otherwise damages the ballot, the voter may request, and the election official shall provide, him/her with another ballot up to a maximum of three. Exhibited, improperly marked or damaged ballots shall be destroyed. The number of ballots destroyed shall be noted on the ballot statement.
- (e) If the qualifications of the absentee voter is subject to question, the voter shall vote a questioned ballot as provided in KMC 6.25.070.
- (f) Each absentee voting official shall keep a record of the names and signatures of voters who cast absentee ballots before him/her and the dates on which the ballots were cast.

6.30.050 – Absentee Voting – By Mail.

- (a) A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven (7) days before an election. A voter may request their name be placed on permanent absentee by mail status. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, a voter identifier such as a voter number, social security number or date of birth, and the applicant's signature.
- (b) After receipt of an application for an absentee ballot by mail, the Clerk shall send the absentee ballot and other absentee voting material to the applicant by first class mail. The materials shall be sent as soon as they are ready for distribution. The postage paid return envelope sent with the materials shall be addressed to the Clerk.

- (c) Upon receipt of an absentee ballot by mail, the voter may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official who shall sign as attesting official and shall date their signature. Officials recognized to attest to the veracity of signatures listed in this subsection are: a notary public, a commissioned officer of the armed forces, including the National Guard, state court judge, state court clerk, United States postal official, or other person qualified to administer oaths. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by a person over the age of 18 years.
- (d) An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, they shall use the most expeditious mail service and mail the ballot not later than the day of the election to the Clerk. It must be postmarked on or before midnight of Election Day and received by the Clerk no later than noon on the seventh day following the election. Ballot envelopes received after that time shall not be opened but shall be marked "invalid", with the date of receipt noted thereon, and shall be preserved with other ballots of the election.
- (e) The Clerk shall, as soon as practicable, make a reasonable effort to contact each absentee by mail voter, whose absentee ballot would be rejected under KMC 6.40.030(a), explain why the ballot would be rejected, and provide a reasonable opportunity, until 5:00 p.m. on the sixth day after Election Day, to cure the ballot.
- (f) The Clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of their identity.
- (g) The Clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the Clerk and the dates on which the ballot was executed and postmarked.

6.30.060 – Absentee Voting – By Electronic Transmission.

- (a) A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven (7) days prior to the election, the ballot will be mailed in the manner provided in KMC 6.30.050 for absentee ballots by mail. The Clerk will provide reasonable conditions for electronically transmitting absentee ballots.
- (b) A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the polling place is acceptable.
- (c) An absentee ballot that is completed and returned by the voter by electronic transmission must:
1. Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and

2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is 18 years of age or older.
- (d) The voter shall mark the ballot on or before the date of the election and may use a mail service at least equal to first class and mail the ballot not later than the day of the election to the Clerk. The ballot may not be counted unless it is received by noon on the seventh (7th) day after the election.
- (e) A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines as for voting in person on or before the closing of the polls.
- (f) When a completed absentee ballot is received by electronic transmission, the Clerk will note the date of receipt on the absentee ballot application log and, if the ballot is received on Election Day, the time of receipt. The Clerk will then:
1. Remove the ballot portion of the transmission from the portion that identifies the voter;
 2. Place the ballot portion in a secrecy sleeve;
 3. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
 4. Attach the voter identification portion to the outer envelope; and
 5. Forward the outer sealed envelope to the canvas board for review.
- (g) The Clerk shall, as soon as practicable, make a reasonable effort to contact each absentee by electronic transmission voter, whose absentee ballot would be rejected under KMC 6.40.030(a), explain why the ballot would be rejected, and provide a reasonable opportunity, until 5:00 p.m. on the sixth day after Election Day, to cure the ballot.
- (h) An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display a telefax ballot in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the Clerk, a member of the Clerk's staff, an election official in the course of his or her duties, or an attorney advising the Clerk on legal questions concerning the ballot.

6.30.070 – Special Needs Voting.

A qualified voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

6.30.080 – Prohibitions.

- (a) During the hours that the absentee voting locations are open, no election official may discuss any political party, candidate or issue while on duty.
- (b) During the hours the absentee voting locations are open, no person who is in the absentee voting location or within 200 feet of any entrance to the absentee voting location may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The election official shall post warning notices in the form and manner prescribed by the Clerk.

- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in this chapter.
- (d) While the absentee voting locations are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- (e) No person may leave the absentee voting location with the official ballot that the person received to mark.

6.30.090 - Assistance to Voters.

A qualified voter who cannot read, mark the ballot or sign his/her name may request an election official or not more than two persons of his/her choice assist him/her. If the election official is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that he/she will not divulge the vote cast by the person whom he/she assists.

6.30.100 - Counting of Absentee Ballots.

To be counted in the election, an absentee ballot must be postmarked or electronically submitted on or before Election Day and be received by the Clerk no later than noon the Tuesday following the election. Ballot envelopes received after the canvass board has completed absentee ballot counting shall not be opened, but shall be marked "invalid" with the date of receipt noted thereon. Such envelopes shall be retained with the other election records and destroyed with them as provided by the City's records retention schedule. Absentee ballot envelopes shall be examined by the canvass board who shall determine whether the absentee voter is qualified to vote at the election or whether the ballot has been properly cast.

6.30.110 - Names of Absentee Voters.

The Clerk shall maintain a record of the name of each voter whom an absentee ballot is sent under this section. The record must list the date on which the ballot is mailed or provided by electronic transmission, the date on which the ballot is received by the Clerk and the dates on which the ballot was executed and, if by mail, postmarked. The record shall be available for public inspection. The absentee voting officials shall provide the Clerk the names and addresses of those persons who voted or attempted to vote absentee in person.

Chapter 6.35 **Ballot Counting Procedures.**

6.35.010 – Commencement of Ballot Count.

- (a) For counting of paper ballots, when the polls are closed and the last vote has been cast, the election board shall immediately proceed to open the ballot box, separate the questioned ballot envelopes from other ballots and then proceed to count the votes cast. In all cases the election board shall cause the count to be continued without adjournment until the count is complete. The Clerk may authorize the appointment of counters to assist in the counting of

ballots. Before undertaking the duties of the office, each counter shall subscribe to an oath to honestly, faithfully, impartially and promptly carry out the duties of the position. An election judge may administer the oath. If an appointed counter fails to appear and subscribe to the oath at the time designated by the Clerk, the election board may appoint any qualified voter to fill the vacancy.

- (b) In optical scan or other computer-read precincts, when the polls have closed and the last vote has been cast, the election board shall immediately transmit election results to the Borough Clerk following the written instructions provided to each precinct. Once the election results have been transmitted, the election board shall open the ballot box, separate questioned and write-in ballots from other ballots cast, place all ballots in the tamper proof containers provided, and proceed with the ballot accountability and poll closing procedures provided by the Clerk.

6.35.020 – General Procedure for Ballot Count.

- (a) The election supervisor may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing:
1. The number of official ballots received; and
 2. The number of official ballots voted; and
 3. The number of official ballots spoiled; and
 4. The number of official ballots unused and destroyed.
- (b) The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted and the numbers included in the certificate prescribed by the election supervisor.
- (c) When hand counting ballots, the election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope may have a marking device in hand or remove a ballot from the immediate vicinity of the polls.
- (d) Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

6.35.030 – Rules for Counting Hand-Marked Ballots.

- (a) The election officials shall count hand marked ballots according to the following rules:
1. A voter may mark his or her ballot with a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, star, circle, asterisk, check or plus sign using the parking device provided at the polling place or with any black-inked marker. The marks will be counted only if they are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
 2. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

5. The mark specified in subsection 1 of this section shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square marked.
 6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly marked.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
- (b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

6.35.040 – Write-in Votes.

- (a) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.
- (b) In order to vote for a write-in candidate, the voter must write a candidate's name in the space provided and, in addition, mark the square opposite the candidate's name in accordance with KMC 6.35.030(a). Stickers may not be used. Use of stickers can cause that portion of the ballot to be invalidated.
- (c) Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

6.35.050 – Disqualified Candidate.

Votes cast for a candidate who is disqualified shall not be counted for any purpose.

6.35.060 – Tally of Votes.

Tally of votes cast by paper ballots. The Clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in KMC 6.30.030. The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the election supervisor may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

6.35.070 – Completion of Ballot Count.

When the tally of hand counted ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the election supervisor. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the election supervisor one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed or hand delivered

to the election supervisor. The package shall clearly indicate the precinct from which it came. To assure adequate protection the election supervisor shall prescribe the manner in which the ballots, registers and all other election records and materials are thereafter preserved, transferred and destroyed.

6.35.080 – Other Ballot Counting Systems.

Nothing in this title prohibits the use of other ballot counting systems which have been approved for use in state or borough elections. The election supervisor, subject to any further approval as may be required by law, may prescribe rules for the use of these systems or may adopt such rules, regulations and procedures as have been adopted by the state for use in state elections or adopted by the borough in borough elections.

Chapter 6.40 **Canvassing and Certification of Election Results.**

6.40.010 – Canvass Board.

(a) Pursuant to the provisions of Section 10-9 of the Charter of the City of Kenai, there is hereby established a Canvassing Board for the canvassing of all City elections; regular and special, and to ascertain and declare the results thereof, as follows:

- (1) The City Clerk is hereby designated as the Chair of the Canvassing Board.
- (2) The Canvassing Board shall consist of the City Clerk and up to five (5) additional judges selected from among the qualified voters of the City. In the event any such appointed member of the Board is absent from the City, ill, or otherwise unable to attend at the time set for canvassing the ballot, the City Clerk is hereby authorized to appoint another election judge from the same precinct to substitute for the appointed member.

(b) All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the Clerk.

6.40.020 – Canvass of Returns.

- (a) The canvassing board shall meet on the Tuesday following each election, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of by mail and absentee ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. The canvass of the ballot vote counted by the precinct election boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of results. All obvious errors found by the election canvass in the transfer of totals from the precinct tally sheets to the precinct certificate of results shall be corrected by the canvass board. A mistake which has been made in precinct returns that is not clearly an error in the transfer of the results from the tallies to the certificate of results empowers the canvass board to recommend a recount of the results of the precinct or precincts for that portion of the returns in question. Upon completion of the canvass, the canvassing board shall prepare a final certificate of the results of votes cast by absentee ballot and of votes cast by mail

ballot, and shall prepare a written report of the results.

- (b) The Clerk, as chair of the canvassing board, shall report the results of the election to the Council at the next regular Council meeting following the meeting of the canvassing board.

6.40.030 – Procedures for Handling Questioned Ballots.

The canvass board by majority vote may refuse to accept the question and count the ballot of a person properly questioned. If the ballot is refused, the Clerk shall return a copy of the statement questioning the ballot to the voter, and shall enclose all rejected ballots in a separate envelope with statements of the basis for the question. The envelope shall be labeled with "rejected ballots" and shall be preserved with other voted ballots. If the ballot is not refused, the large envelope shall be opened; the smaller inner envelope shall be placed in a container and mixed with other absentee ballot envelopes or, in the case of counting questioned ballots, with other questioned ballot envelopes. The mixed smaller envelopes shall be drawn from the container and opened, and the ballots shall be counted according to the rules for determining properly marked ballots.

6.40.040 – Voters Not on Official Registration List.

A person whose registration has been canceled under AS 15.07.130(b) shall not have their ballot counted.

6.40.050 – Certification of the Election Results.

- (a) At the next regular Council meeting following the meeting of the canvassing board, the Council shall meet in public session to receive the report of the Canvass Board. If, after considering the report, the Council determines that the election was validly held, the election shall be certified by majority vote and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question.
- (b) If the canvass board reports that a failure to comply with provisions of state law and City ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the Council may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.
- (c) If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the Council may order a recount of votes cast in said precinct or precincts. Such recount shall be conducted immediately by the canvass board and the results shall be reported to the Council. The Council shall meet as soon as possible to certify the results of the election recount.
- (d) Upon certification of a valid election, the Clerk shall deliver to each person elected to office a certificate of election, signed by the Clerk and authenticated by the seal of the City, in accordance with City Charter, Section 10-9.

Chapter 6.45 **Election Recount.**

6.45.010 – Recount Application.

- (a) Any defeated candidate or any ten (10) qualified voters, who believe that a mistake has been made by an election official or by the canvass board in counting the votes in any election, may make an application in writing to the Clerk for a recount of the votes for any particular office or on any particular question. The application must be filed in the office of the City Clerk within twenty-four (24) hours, excluding any Saturday, Sunday, or holiday after the Council certifies the results of the vote being questioned. In case of a tie vote between two (2) or more candidates, to which only one candidate is to be elected, the Clerk shall initiate a recount.
- (b) The application shall include a deposit in cash or by certified check for the amount listed in the most current City of Kenai Schedule of Rates, Charges and Fees. The deposit shall be applied against any costs incurred or refunded if there is no liability for recount costs.
- (c) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or person making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the designation of one of the number as chairman. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

6.45.020 – Date of Recount – Notice.

- (a) If the Clerk determines that the application is substantially in the required form, the Clerk shall fix the date of the recount to be held within forty-eight (48) hours, excluding any Saturday, Sunday, or holiday, after the receipt of an application requesting a recount of the votes in a City election after it has been initiated under KMC 6.45.010.
- (b) The Clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by telephone or electronic transmission.

6.45.030 – Procedure for Recount.

- (a) If a recount of ballots is demanded, the Clerk shall appoint a recount board of four or more qualified voters to conduct the recount of ballots or those precincts cited in the application for recount.
- (b) In conducting the recount, the recount board shall review all ballots to determine which ballots or parts of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. For administrative convenience, the Clerk may join and include two or more applications in a single review and count of votes. The rules governing the counting of marked ballots shall be followed in the recount.
- (c) The ballots and other election materials shall remain in the custody of the Clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten (10) days.

6.45.040 – Certification of Recount Result.

Upon completion of the recount, the recount board shall meet and adopt a report of the results of the recount for submission to the Council. The Council shall abide by procedures for issuing a certificate of the election as set forth in this title. The Clerk shall promptly issue another election certificate if a change in the results requires it.

6.45.050 – Return of Deposit and Apportionment of Expenses Upon Recount.

If, upon recount, a different candidate or position on a proposition or question is certified or if the vote on recount is four percent (4%) or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount application, the entire deposit shall be refunded to the recount applicant; otherwise, it shall be placed in the general fund of the City. If this section does not require that the entire deposit be refunded, the Clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If it is determined that the contestant shall bear the costs of the recount pursuant to this section, and the deposit is insufficient to cover the costs, the City may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expense.

6.45.060 – Appeal to the Courts After Recount.

Any candidate or a majority of the persons who requested a recount who have reason to believe that an error has been made in the recount involving any candidate or question, may appeal to the Superior Court in accordance with applicable court rules governing appeals in civil matters. The filing of the appeal and the proceedings shall be, as nearly as may be, as in case of such an appeal made after a recount in a State election.

Chapter 6.50 **Contest of Election.**

6.50.010 – Grounds for Election Contest.

A candidate or any ten (10) qualified voters of the City may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

- (a) Malconduct, fraud or corruption by an election official sufficient to change the result of the election;
- (b) The person elected is not qualified under law or ordinance; or
- (c) Existence of a corrupt election practice, as defined by the laws of the State of Alaska, sufficient to change the result of the election.

6.50.020 – Contest Procedure.

- (a) Notice of contest of an election shall be submitted in writing to the Clerk before five (5) o'clock p.m. on the day of the certification of the election or to the Council at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special) election of the City of Kenai held on the _____ day of _____ . The grounds for the contest are as follows:

Signature and date

(Notarization)

- (b) Upon receiving a notice of contest, the Council shall order an investigation be conducted by the Clerk and City Attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.
- (c) If the contest involves the eligibility of voters, the Council shall direct the Clerk to recheck the most current state registration lists. After considering the reports of the investigating officials and any other proof, the Council shall determine whether any illegally cast votes could have affected the election results. If they could not have, the Council may so declare and determine the election valid and certify the results pursuant to this title.
- (d) If the contest involves other prohibited election practices which are shown to have taken place, the Council, in certifying the election returns, shall exclude the vote of the precincts where such practices occurred. If it is determined that such exclusion could not affect the election results, the Council shall declare the election valid and certify the results pursuant to this title.
- (e) The contestants shall pay all costs and expenses incurred in a recount of an election as provided by KMC 6.45.010.

6.50.030 – Appeal or Judicial Review.

A person may not appeal or seek judicial relief of an election for any cause or reason unless the person is qualified to vote in the City, has exhausted all administrative remedies before the Council, and has commenced within ten (10) days after the Council has finally declared the election results, an action in the superior court. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

Chapter 6.55 **Special Elections.**

6.55.010 – Voting by mail—Ballots—Ballot review—Ballot envelopes.

- (a) The Clerk may conduct a special election by mail.
- (b) When the Clerk conducts a special election by mail, the Clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under Alaska Statute 15.07.125 for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the Clerk in writing of a different address to which the ballot should be sent. The Clerk shall send ballots by first class, nonforwardable mail no less than 22 days before the election.
- (c) The Clerk shall review ballots voted under this section under procedures established for the review of absentee ballots.
- (d) There shall be a small blank envelope and a return envelope supplied to each by-mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall declare his/her qualifications to vote, followed by provision for attestation by a person qualified to

administer oaths or one attesting witness who is at least 18 years of age. Specific instructions for voting a by-mail ballot and a list of the appointed absentee voting officials, their hours and locations, will be mailed to each voter with the ballot.

6.55.020 - Casting ballots.

- (a) Upon receipt of a mail-in ballot, the voter shall cast their ballot in the manner specified in KMC 6.30.050. If the ballot is cast in the Clerk's office, the Clerk shall retain it for delivery to the Canvassing Board. If the ballot is cast in another location, the voter shall return it by mail to the Clerk immediately for delivery to the Canvassing Board.
- (b) A voter who does not receive a mail-in ballot may cast their ballot in person as specified in KMC 6.30.040.
- (c) A voter may return the mail-in ballot to the City Clerk as provided in KMC 6.55.040.
- (d) The Clerk shall immediately make a reasonable effort to contact each voter, whose absentee ballot would be rejected under KMC 6.40.030, explain why the ballot would be rejected, and provide a reasonable opportunity, until 5:00 p.m. on the sixth day after Election Day, to cure the ballot.

6.55.030 - Notice of election—Election date—Public notice.

- (a) The notice of election calling for the election must state that the election is to be conducted by mail and that there will be no polling place open for regular in-person voting on election day. In a by-mail election, Election Day is the deadline by which a voter's ballot must be received by the Clerk.
- (b) For each election conducted by mail, the public notice posted in each precinct and the notice published in newspapers of general circulation in the area of the election jurisdiction will include the information specified in KMC 6.20.020.

6.55.040 - Absentee voting official—Duties.

- (a) The City Clerk, or designee, shall act as absentee voting official. The Clerk shall supply adequate voting supplies and ballots to the absentee voting officials. The Clerk shall provide moderate compensation to the absentee voting official to cover added expenses of the administration of this service, which shall be agreed to by the absentee voting official.
- (b) The duties of the absentee voting officials shall be as follows:
 1. Provide absentee voting in person on any date including the day of the election following the procedures in KMC 6.30.040 and special needs voting on any date including the day of the election following the procedures in KMC 6.30.070; and
 2. Sign a voter's by-mail oath and affidavit envelope as an authorized attesting official, except that the absentee voting official may not attest his/her own ballot; and
 3. Accept receipt of a by-mail voter's hand-delivered ballot, which has been sworn to, attested and sealed in the by-mail return envelope; and
 4. Provide general voter assistance, including but not limited to, assistance to a qualified voter who cannot read, mark the ballot, or sign his/her name, and providing

replacement ballots to voters who have improperly marked or damaged their ballots;
and

5. Date-stamp all ballots received; and

6. Provide for the security and safekeeping of all ballots received and present those
ballots to the Clerk for canvassing. The Clerk will specify the means of returning the
voted ballots and all other election supplies to the City.

6.55.050 - Storing ballots.

The Clerk shall provide for the secure storage of the mail-in ballots received from the voters and
by-mail officials until the date set by the Clerk for counting of ballots.

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 this ordinance shall take effect on January 1, 2022.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4th day of August, 2021.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, MMC, City Clerk

Introduced: July 7, 2021
Enacted: August 4, 2021
Effective: January 1, 2022



MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, City Clerk
DATE: June 28, 2021
SUBJECT: Ordinance No. 3224-2021

Because the City has traditionally collaborated with the Kenai Peninsula Borough (KPB) on the administration of the annual regular municipal elections and is considering entering into a Memorandum of Agreement (MOA) to memorialize that collaboration along with utilizing KPB's new equipment, to include ADA Accessible equipment, and no longer using State election equipment, I felt it was in the best interest of the City to re-write our election code, Title 6, to align our election practices with the Borough's.

This ordinance also makes the following policy changes:

- 1) Incorporate the opportunity for absentee voters who can, to cure their envelope in what would have previously been a rejection situation. This feature was appreciated during the work session in June 2020 when considering a vote by mail method of voting and seeks to include as many ballots as possible instead of to reject them.
- 2) Makes the clarification that the Clerk determines qualifications of candidates (Charter provides that Council determine qualifications of its members which would be after election). This matches KPB, Soldotna, and the Municipality of Anchorage.
- 3) Adds a process for determining qualifications of candidates which matches KPB and Municipality of Anchorage. This provides for an administrative process without the person getting elected, Council having to conduct the process, and leaving a vacancy for Council to appoint.
- 4) Amends the retention for election records. I recommend retaining for one year instead of the three and four years currently required due to the personally identifiable information included in these records. Election contests and appeals must be brought within ten days of certification so the records will certainly be available for those actions. One year is consistent with KPB.
- 5) Provides a timeline for adoption of legislation to place a proposition on a ballot which coincides with KPB. This has been our practice in order for us to collaborate with the KPB, this spells it out in code.
- 6) Requires publication of a notice of voter registration as a reminder to voters to update their registration; this has been past practice and will be added to code.
- 7) Requires compliance with APOC requirements for campaign reporting. This has been past practice to notify the candidates of their requirement; now it will be in code.

- 8) Requires a public notice announcing vacancies for offices to be filled at the election and procedures for filing. This is consistent with past practices.
- 9) Requires noticing of bonded indebtedness before a General Obligation Bond election. This is consistent with KPB, Soldotna, and Municipality of Anchorage noticing requirements.
- 10) Spells out requirements for ballot form consistent with KPB given the likely transition to utilizing their equipment instead of the State's.
- 11) Reporting voter information to the State. This has also been a past practice.
- 12) Added clarifications to poll watchers; this is consistent with State policy and Fairbanks North Star Borough.

The above additions and addressing our ADA needs provides value added to our election processes in a way that honors the wishes of the majority of the voters.

Following is a section by section analysis of what is proposed to be new in our election code and why, how our current election code was incorporated into this ordinance, and highlights potential policy changes.

Chapter 6.05 – General Provisions. This chapter compiles the sections containing general provisions of elections.

6.05.010 – Definitions. This section is new and helps the user understand terms we regularly use in administration of elections. The definitions are consistent with state and borough law.

6.05.020 – Powers and Duties of the Clerk. This is similar to what is in current code (6.05.070); matches the Municipality of Anchorage and City of Soldotna. A new policy in this section provides that the Clerk determines whether a candidate for City office is qualified based on the qualifications provided in Charter and Title 6. City Charter provides that the Council judges qualifications of its members; this proposed code would provide for an administrative process to take place prior to a name being placed on the ballot, before a candidate becomes a member.

6.05.030 – Election Times. This section restates Charter.

6.05.040 – Votes Required for Election to Office. This section restates Charter.

6.05.050 – Preservation of Election Ballots, Papers, and Materials. This section is similar to what is in current code. A modification to the policies being proposed here is a reduction in the length of retention of registers, nominating petitions, and declarations of candidacy is from three or four years to one year. The reason is due to personally identifiable information included in these records to include dates of birth and/or social security numbers. An election contest can be brought within ten days after certification. Beyond that, we need to balance the security risk with the benefit to keeping the records. One year matches the length of time that the Kenai Peninsula Borough retains their records.

6.05.060 – Election Expenses. This section is similar to what is in current code (6.05.050).

6.05.070 – Initiative, Referendum, and Recall. This section restates charter and is similar to what is in current code (Chapters 6.20 and 6.30).



6.05.080 – Proposition and Questions. This is a new add and coincides with the borough's requirements for ballot preparation.

Chapter 6.10 – Voter Qualifications. This chapter compiles the sections pertaining to voter qualifications.

6.10.010 – Voter Qualifications. This section fleshes out Kenai Charter and the Alaska Constitution; it is copied from AS 29.26.050 which indicates that it applies to home rule municipalities.

6.10.020 – Rules for Determining Residence of Voters. This section would be new to our code; restates Alaska Statute 15.05.020 regarding residency.

6.10.030 – Notice of voter registration. This section would be new in our code but has been our practice for several years. We publish this ad jointly with the City of Soldotna, each city publishing twice, for a total of four publications in the newspaper to reach a bigger audience.

Chapter 6.15 – Filing for Office. This chapter compiles the sections pertaining to candidates filing for office.

6.15.010 – Candidate Qualifications. This section is new to code; restates charter.

6.15.020 – Nomination and Declaration of Candidacy. This section restates what is in current code (6.10.010, 6.10.020, and 6.10.030).

6.15.030 – Review of Candidate Qualifications. This section goes with the new policy that the Clerk determines qualifications of candidates. These are the rules the Clerk is to use for determining candidate qualifications and also includes a process for challenging the Clerk's determination. These are the administrative processes mentioned in the analysis of 6.05.020 and are materially the same as KPB's and Municipality of Anchorage's procedures.

6.15.040 – Campaign Reporting. This section adds that candidates are to comply with APOC's campaign reporting requirements. Our practice has been to provide the information to candidates in the candidate filing packet. Adding this section memorializes the requirement.

6.15.050 – Notice of Vacancy. This section is new to code; has been past practice for many years.

Chapter 6.20 – Administration of Elections. This chapter compiles the sections pertaining to election administration.

6.20.010 – Election Notices. This section is what is in current code (6.05.100) and adds a few provisions which has been past practice (type of election, voter qualifications, and instructions for absentee voting). It also lengthens what is in current code from ten days to twenty days to provide voters ample time to navigate absentee voting, if needed.

6.20.020 – Election Officials. This section is in current code (6.05.040).

6.20.030 – Ballot form. This section spells out what the ballot needs to look like and was taken from the borough. Our current code (6.05.080(a)) says the provisions of state law should be followed; however, given we will be using KPB equipment, we should follow KPB requirements.



6.20.040 – Ballot Preparation and Distribution. Much of this section is current code (6.05.080). Some is new in code but is current practice and aligns with KPB code.

6.20.050 – Ballot Shortage. This is new in the code. It is common in codes as a safety net and is also in State law (AS 15.15.140).

6.20.060 – Reporting Voting Information to the State. This is new in the code but has been common practice to assist with keeping voter history records accurate.

Chapter 6.25 – Polling Site Procedures. This chapter compiles the sections pertaining to procedures at the polling places.

6.25.010 – Prohibitions. This was copied from KPB and City of Soldotna code and has been past practice; had been incorporated into our current code by reference (6.05.110) where it says Alaska Statutes 15.15 –15.20 should be followed in conducting an election. The provisions specific to this section were AS 15.15.160 and AS 15.15.170.

6.25.020 – Opening of Polling Place. This section is new in our code and was copied from KPB, has been past practice, and should remain given the city and borough are cooperatively administering elections.

6.25.030 – Watchers. We traditionally allow for poll watchers in current code (6.05.060); this section now clarifies what poll watchers may do and provides a registration process similar to state law and Fairbanks North Star Borough.

6.25.040 – Ballot Box Security. This section is new in our code and was copied from KPB. It has been past practice in local and state elections and is a part of the instructions manuals.

6.25.050 – Voter Register. This section restates current code (6.05.080(c) and 6.05.020(a)).

6.25.060 – Voter Identification. This section restates current code (6.05.020(b)) and also State law, AS 15.15.225.

6.25.070 – Providing Ballot to Voter. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110). The procedure has been practice. The language is similar to KPB's code and is also in State law, AS 15.15.230.

6.25.080 – Questioned Voting. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.198 and AS 15.15.210. The procedure has been past practice and the language is similar to KPB's code.

6.25.090 – Assistance to Voters. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.240. The procedure has been past practice and the language is similar to KPB's code.

6.25.100 – Spoiled Ballots. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.250. The procedure has been past practice and the language is similar to KPB's code.

6.25.110 – Alternate Ballots. This section is newly spelled out in our code. The procedure has been past practice and the language is similar to KPB's code.



6.25.120 – Placing Ballots in Ballot Box. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.260. The procedure has been past practice and the language is similar to KPB's code.

6.25.130 – Closing of Polls. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.310 – AS 15.15.330 and AS15.15.350. The procedure has been past practice and the language is similar to KPB's code.

6.25.140 – Unused Ballots. This section is newly spelled out in our code; it has been past practice in state and local elections. The language of this section is similar to KPB's code.

Chapter 6.30 – Absentee Voting. This chapter compiles the sections pertaining to absentee voting.

6.30.110 – Administration of Absentee Voting. This section is similar to current code (6.05.140).

6.30.020 – Eligibility. This section is similar to current code (6.05.140 and 6.05.150).

6.30.030 – Materials for Absentee Voting. This section is similar to current code (6.05.160).

6.30.040 – Absentee Voting in Person. This section is similar to current code (6.05.145).

6.30.050 – Absentee Voting - By Mail. A portion of this section is similar to current code (6.05.150). The remainder of it was incorporated by reference as it is in State law, AS 15.20.081. The procedure has been past practice and the language is similar to KPB's code.

6.30.060 – Absentee Voting - By Electronic Transmission. This section is the same as current code (6.05.335).

6.30.070 – Special Needs Voting. This section is newly spelled out in our code, referencing state law. It was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.072. The procedure has been past practice and the language is similar to KPB's code.

6.30.080 – Prohibitions. This section was modified the previous section specific to in person voting; they are the same prohibitions specific to absentee voting. This was copied from KPB and City of Soldotna code and has been past practice; had been incorporated into our current code by reference (6.05.110) where it says Alaska Statutes 15.15 –15.20 should be followed in conducting an election. The provisions specific to this section were AS 15.15.160 and AS 15.15.170.

6.30.090 – Assistance to Voters. This section was modified the previous section specific to in person voting; it is the same assistance information specific to absentee voting. This was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.240. The procedure has been past practice and the language is similar to KPB's code.

6.30.100 – Counting of Absentee Ballots. This section is, for the most part, in current code (6.05.120(c)). It has been adapted to match KPB code.

6.30.110 – Names of Absentee Voters. This section is new in code, has been past practice, and was copied from KPB code.



Chapter 6.35 – Ballot Counting Procedures This chapter compiles the sections pertaining to procedures for counting ballots.

6.35.010 – Commencement of Ballot Count. This section is new in code, has been past practice, and was copied from KPB code to align with cooperative administration of elections.

6.35.020 – General Procedure for Ballot Count. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS15.15.350. The procedure has been past practice and the language is similar to KPB's code.

6.35.030 – Rules for Counting Hand-Marked Ballots. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS15.15.360. This section provides guidance for ballots which the optical scanner or other computer read ballot was unable to read.

6.35.040 – Write-in Votes. This section would be newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.365 and AS 15.15.361.

6.35.050 – Disqualified Candidates. This section would be newly spelled out in our code; it goes along with the new policy that the Clerk determines qualifications of candidates. Because it is possible for the candidate to be disqualified after the ballots have been ordered, this section addresses not counting those votes. The language in this section is similar to KPB.

6.35.060 – Tally of Votes. This section would be new in our code. It is copied from KPB code. It gives provisions for counting ballots in the event of an equipment failure or power outage.

6.35.070 – Completion of Ballot Count. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.370. This section provides guidance for returning the completed election materials to the clerk.

6.35.080 – Other Ballot Counting Systems. This section would be new in our code. It is copied from KPB code. It gives provides for using equipment approved for use in state and borough elections.

Chapter 6.40 – Canvassing and Certification of Election Results. This chapter compiles the sections pertaining to canvassing and certifying the election.

6.40.010 – Canvass Board. This section is in current code (6.05.120(a)(1&2)). I've added that they must take an oath which is consistent with past practice and was copied from KPB code.

6.40.020 – Canvass of Returns. This section restates current code (6.05.120(b))

6.40.030 – Procedures for Handling Questioned Ballots. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.207. This section provides guidance for counting or rejecting questioned ballots.

6.40.040 – Voters Not on Official Registration List. This section is newly spelled out in our code; it was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.15.198. This section provides guidance for rejecting ballots of voters whose registrations have been canceled.



6.40.050 – Certification of the Election Results. This section would be new in our code. It fleshes out Charter and was copied from KPB; it provides guidance on Council action after receipt of the report of the Canvass Board.

Chapter 6.45 – Election Recount. This chapter compiles the sections pertaining to an election recount.

6.45.010 – Recount Application. This section, for the most part, is in current code (6.05.220). It has been expanded to include additional details about the recount request on the application which has been modified from AS 15.20.440 and KPB code.

6.45.020 – Date of Recount – Notice. This section is substantially the same as current code (6.05.220(c)). It adds provisions for notifying the applicant for recount and interested parties of the time and place the recount will be taking place.

6.45.030 – Procedure for Recount. This section is newly spelled out in our code and is similar to KPB code. It was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.480.

6.45.040 – Certification of Recount Result. This section is newly spelled out in our code and is similar to KPB code. It was incorporated by reference in current code (6.05.110) as it is in State law, AS 15.20.490.

6.45.050 – Return of Deposit and Apportionment of Expenses Upon Recount. This section expands on current code (6.05.220(b)). It is similar to KPB code and addresses partial refunds and recovering excess costs should the recount not change the results by 4% or more.

6.45.060 – Appeal to the Courts After Recount. This section is in current code (6.05.230)

Chapter 6.50 – Contest of Election. This chapter compiles the sections pertaining to an election contest and is addressed in current code (6.05.240) where guidance is to use same grounds and in the same manner, as nearly as may be, as in election contests arising out of State elections. State law has been written into this chapter of the ordinance as adapted from State law, AS 15.20.540 - 550. Also, pursuant to AS 29.26.070, which provides that governing bodies may, by ordinance, set the procedure for the contest of an election, provisions similar to KPB, Ketchikan Gateway Borough, Mat-Su Borough, and City of Soldotna, related to a local investigation process were incorporated prior to the matter being elevated to superior court.

Chapter 6.55 - Special Elections. This chapter compiles the sections pertaining to a special election and is in this ordinance as it is in current code (6.05.300 – 6.05.340).

To the extent possible, all current sections of code were incorporated into this ordinance while retaining the ability to share resources with the borough and attempting to improve processes and provide clarity. Sections in current code that were not incorporated in some way were:

- 6.05.190 which addresses a receiving board which has traditionally been the members of the Clerk's Office, and a data processing control board which KPB has traditionally provided for and is incorporated in the MOA considered in Resolution No. 2021-46;
- 6.05.210 which speaks to computer testing which KPB has traditionally provided for and is incorporated in the MOA considered in Resolution No. 2021-46; and,



- 6.05.250 which speaks to rules and regulations developed by the Director of Elections at the state level also applying to City elections, however, by collaborating with KPB, we should match KPB as much as possible.
- 6.05.270 which addressed offenses and penalties; those offenses and penalties are addressed in state law, carry heavier penalties in state law, and we can prosecute those offenses.

Your consideration is appreciated.





MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Jamie Heinz, City Clerk
DATE: July 27, 2021
SUBJECT: Ordinance No. 3224-2021 – Title 6 Rewrite

On July 7, 2021 you introduced Ordinance No. 3224-2021. Also at your July 7 2021 meeting, you authorized entering into a Memorandum of Agreement with the Borough regarding election administration. This memorandum requests the following amendment to Ordinance No. 3224-2021.

Move to insert the word authorized in the blank in fourth whereas clause.

Thank you for your consideration.

PURCHASE ORDERS BETWEEN \$2,500.00 AND \$15,000.00 FOR COUNCIL REVIEW
COUNCIL MEETING OF: SEPTEMBER 1, 2021

| VENDOR | DESCRIPTION | DEPT. | ACCOUNT | AMOUNT |
|-----------------------------|------------------------------|----------------|-----------------------|---------------|
| STRYKER MEDICAL | LIFEPAK 15 ACCESSORIES | FIRE | SMALL TOOLS | 3,812.77 |
| BEAVER LOOP SAND AND GRAVEL | TOPSOIL | CEMETERY IMPS. | CONSTRUCTION | 10,000.00 |
| ZONES | VMWARE RENEWAL | NON-DEPT. | SOFTWARE | 3,117.52 |
| N & B SOLUTIONS | APC SYMMETRA BATTERY MODULE | NON-DEPT. | SMALL TOOLS | 6,342.00 |
| HDL ENGINEERING CONSULTANTS | MISC ENGINEERING/ALP UPDATES | AIRPORT | PROFESSIONAL SERVICES | 8,662.50 |



August 2021 Newsletter

Kenai Historical Society

P.O. Box 1348
Kenai, Alaska 99611

Officers:

President—June Harris
Vice President—Virginia Walters
Secretary—Sharon Fisher
Treasurer—Ron Fullinck

Board of Directors:

| | |
|------------------|----------------|
| Jim Glendenning | Joe Harris |
| Henry Knackstedt | Bill Nelson |
| Marion Nickelson | Frosty Walters |

PRESERVING HISTORY

Clark Fair moved to Soldotna with his parents, Dr. Calvin and Jane Fair in 1960. His dad established a dental practice and the family homesteaded between Soldotna and Sterling. Clark eventually became an English teacher and a writer. He currently lives in Homer, and has been contributing articles of local history to the Peninsula Clarion.

Most recently, he researched and wrote about the establishment of the Central Peninsula Hospital, which celebrated 50 years in June of this year. I became acquainted with his writing some years ago and am a frequent reader of his blog “Rusty Muffin Meanderings”.

When Clark was researching a murder that occurred in Kenai in the early 1900s, he came across an article I had written about Bill Dawson for this newsletter and called me to introduce himself and request any information I might be privy to. I didn’t have much information for him and, in fact, learned quite a bit from his eventual story that I had not know about Dawson and about the murder. As it were, the teacher continues to teach through his writing. But the communications between us encouraged me to ask him to speak at our September meeting, and he very graciously agreed to do so. I’ve deliberately left it up to him to choose the topic, because I know it will be something that I will want to know and will probably leave me wanting to know more. Isn’t that what good teachers are supposed to do?

As our speaker for the September 12, 2021 open house and potluck, I look forward to what he will be teaching us.

KENAI HISTORICAL SOCIETY NEWSLETTER

Written by Sharon Fisher

If you would like to contribute ideas and information to the newsletter, please contact me at 776-8254. I welcome and would entertain any ideas you may have for articles, and would appreciate being contacted if you see errors in the information contained in the newsletter.

INSIDE THIS ISSUE:

- PRESERVING HISTORY
- KENAI CIVIC LEAGUE
- JETTIE PETERSEN
- JAMES FISHER
- ANNOUNCEMENTS

KENAI CIVIC LEAGUE HISTORY (based on documents & minutes from 1950s that were retyped by Jettie Petersen from original documents and minutes—these were loaned to me by Peggy Arness)

KENAI CIVIC LEAGUE

Date of the organization of the Kenai Civic League appears to have been January 28, 1949. A handwritten note on a document that appears to be an original “Constitution” notes it belongs to the “1st League”, but there is no date on this document. A (re-typed) copy of this original document references this as the “Original - or first Civic League Organization”, with a handwritten notation calling it the “old league constitution”, and another handwritten notation that could be the same handwriting dates this as 2-4-'49.

The Purpose and object of the League were (A) to promote good fellowship and cooperation among its members. (B) to encourage, promote and assist in civic improvements and community welfare around the Kenai area.

Membership qualifications were “Any male resident of the Kenai Area, 18 years or over, in sympathy with the purpose and objects of this league may, upon recommendation by a member in good standing, become a member, upon payment of the initiation fee as prescribed in the By-Laws.

The Bylaws of this Constitution laid out the duties of the Officers, the membership fees and assessments, required that the League be non-sectarian and non-political (not supporting any political party nor religious belief, sect or creed), and finally listed how business would be conducted.

The re-typed copy listed officers and chairmen and a complete list of all the 38 original members of the Kenai Civic League. It also has a summary of the meetings held on Jan 21, 1949, January 28, 1949 (calling this the First meeting of the Kenai Civic League), and February 2, 1949 (the second meeting of the Kenai Civic League).

- PRESIDENT - Cecil K. Jones
- VICE PRESIDENT - Albert Munson
- SECRETARY - Hal Thornton
- CHAIRMAN:
 - LIASON (liaison) - Paul L. Wise
 - INDUSTRIES & TRADE - Larry Lawton
 - TRANSPORTATION - Phillip Wilson
 - RECREATION - Harry White
 - HEALTH & SANITATION - Malcolm Cole
 - COMMUNITY PLANNING - Ken Fuller
 - MEMBERSHIP - Dick Wilson
 - PUBLICITY - James Petersen
 - ENTERTAINMENT—Allan L. Petersen

From the information in the re-typed copy, I would conclude that the Kenai Civic League was formed in January and February of 1949.

Several committees were formed in 1949 which indicate the issues of the time:

- Education - to work on new school promotion and serve as an unofficial school board.
- Liaison—Contact Legislature and report on new legislation, get tally of voting, keep in touch with government agencies for plans involving us, work with women’s clubs and other organizations as a go-between for the League.
- Industries and Trade—correspondence reference business and trade, homesteading possibilities, etc.
- Transportation—air, water, road, railroad.
- Entertainment—to furnish relaxation and entertainment for brief period preceding or after meeting.
- Recreation—playgrounds for children, adult recreation, sporting interests.
- Health and Sanitation—securing doctor for community; studying need for a nurse; obtaining medical supplies; spring clean-up, garbage disposal.
- Community Planning—townsite proposal, REA; status of land withdrawal, etc.

At the (2nd) meeting of Feb. 4, 1949, when the basics of the formation of the Civic League were adopted, there was a report from the School Committee by Mr. O.C. Connelly, that refers to the “proposed site” tract of land south of road halfway between Kenai Terminal and Joe’s Road. Mr. Connelly described his conception of a well-designed school which would function for the community as well as the students”.



This reference to the described site would be consistent with the location of the third territorial Kenai School on what is now Frontage Road; which year it opened I am still trying to track down, but it now houses the Aurora Borealis School, the Kenai Alternative School, and the Boys and Girls Club. Kenai Terminal would have been north of the site and I do not know what was Joe’s Road, but I would suggest it probably was a road to Kenai Joe’s Roadhouse.

Kenai Civic League was officially formed by Corporation Charter on May 22, 1950.

In May of 1950, there began a series of letters between James Arness (Civic League Secretary/Treasurer) and James Ryan, Commissioner of Education for the Territory of Alaska, located in Juneau. The intent of the correspondence was transferring the 2nd Territorial School (located where the Kenai Fine Arts Center now is) to the Kenai Civic League for use as an eventual community center.

I will return to this building in a future newsletter as well as cover more of the Kenai Civic League in its formative years..

Jettie Petersen visited Alaska the first time in 1915 to spend time in Seldovia with her friend, Juanita Anderson. After obtaining her teaching credentials in Bellingham, Washington, she returned to Seldovia in 1918 to teach. She then moved to Unga and taught there for some years, then moved to Kenai in 1947 and taught there until her retirement after 25 years total of teaching in Alaska. She would live in Kenai for the rest of her days, where she was active in many organizations and activities.

She guided the efforts that led to the book, *Once Upon the Kenai*. This 1984 publication captured the recollections of the many people and organizations that formed the community of Kenai. Equally important, it allowed the photos that were contributed by so many people to be shared by all. Jettie was involved in the Kenai Historical Society from its inception, and remained involved for the rest of her life. I credit her for generously encouraging my interest in local history by letting me dive in to that book project and learn as I went. When it was finally published 2 years later, I was hooked for life, and continue to learn about this place, sometimes by studying the photographs and stories in that book. It often helps me find answers to local history questions.



James Fisher

I had been living in the Central Kenai Peninsula for about 10 years when I became employed by the Alaska Court System and began to meet people in the legal field. At some point, I became acquainted with James Fisher, who had practiced law here since 1961, after finishing a term in the first Alaska legislature as a representative from Anchorage. Jim was involved in the community of Kenai almost from the beginning of his residence, and early on had joined the Kenai Historical Society. Over the years, as I became more acquainted with Jim and began to realize how deeply he felt about this community that I was learning to love, my admiration for him began to grow. Over the years, I would attend a community event and invariably see Jim there. I had become aware of a lifestyle that I term as “living fully within your community” and Jim became an example of that concept. Whether it was local theatre, music at a local coffee house, an art exhibit, or a fund-raiser, he was likely to be a participant. His involvement in the food bank was so strong that wherever I was working, he would come by to solicit contributions to that cause. After I began working for local attorneys, I could count on him coming by to talk the them about participating the latest fund-raiser, and he usually had to talk to me first to get past the front door. It didn’t take much for me to make the arrangements for a meeting, because I really admired how dedicated he was to the food bank cause. Little did he know that he also was my hero as someone who “truly lived in his community”. He continued to “live” up to the age of 93.



The Fishers, James, Helen, Sally, 4, and Bruce, 3 (plus Jasper, the cat) were living in a trailer on Beaver Loop when this picture was taken in 1964.

KENAI HISTORIC SOCIETY

Our Organization

There has been a Historic Society since the days before Kenai becoming a city. The Society was formed a few years before Statehood in 1959, and then went inactive in the early 60's. It restarted in the latter part of the 60's and has met regularly since. The Society had a museum in Fort Kenay for some years, and then continued to meet after that closed. The non-profit Society implemented and operates the Kenai Historic Cabins Park, open for tours in the summer months. We have office space at the Moosemeat John cabin, but are not open to the public in that building. Our member meetings are Sept., Nov., Dec., Jan., Feb., Mar., and April at the Kenai Visitor Center. For Oct. and May, we meet with the Kenai Peninsula Historical Association. Please check the Meetings and Announcements section on this page for date information.

MEETINGS AND ANNOUNCEMENTS

**Kenai Historical Society Monthly Meeting
September 12, 2020 —1:30 p.m.
Kenai Visitor Center**

**Speaker—Clark Fair
Blog Writer, Newspaper Contributor,
and Fellow Seeker of Alaskan History**

Kenai Historic Society
P.O. Box 1348
Kenai, AK 99611

Phone: 283-1946
Phone: 776-8254
E-mail: ak.kyaker@yahoo.com

www.facebook.com/Kenai-Historical-Society

PLEASE
PLACE
STAMP
HERE

